

Bass Coast Shire Council Council Meeting Minutes

Wednesday 19 October 2022

**Council Chamber
Bass Coast Civic Centre
Baillieu Street East
Wonthaggi
Commencing at 1.00pm**



-
1. These minutes are due to be confirmed on 16 November 2022
 2. Any decision included in these minutes is subject to change resulting from a recession motion passed by Council

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Meeting commenced

The meeting commenced at 1.01pm

Cr Michael Whelan read the Livestreaming Statement.

Livestreaming Statement

As the Meeting Chair, I give my consent for this Open Council Meeting to be streamed live, recorded and published online, in accordance with Council's Livestreaming Policy and Governance Rules. To members of the public joining us in the gallery today, by attending this public Meeting of the Council you are consenting to your image, voice and comments being recorded and published. Anyone who is invited to read out a question or a presentation will be recorded and their voice, image and comments will form part of the livestream and recording.

The Chair and/or the CEO have the discretion and authority at any time to direct the termination or interruption of livestreaming.

Such direction will only be given in exceptional circumstances where deemed relevant. Circumstances may include instances where the content of debate is considered misleading, defamatory or potentially inappropriate to be published.

Attendees are advised that they may be subject to legal action if their actions result in inappropriate and/or unacceptable behaviour and/or comments. Thank you.

Cr Michael Whelan read the Virtual Meeting Statement.

Virtual Meeting Statement

The COVID-19 Omnibus Bill 2020 provision allows Council meeting attendance by electronic means.

The requirement of the meeting being open to the public is satisfied by the meeting being streamed live to Councils internet.

In the event of technical issues with the livestream the meeting will be adjourned.

Councillors are deemed as being in attendance if:

- They can hear proceedings
- They can see other members in attendance and can be seen by other members
- They can be heard (to speak)

Cr Michael Whelan read the Mobile Telephone Reminder.

Mobile Telephone Reminder

Please turn off all mobile telephones or in the case of an emergency, please advise the Chair and switch to silent mode.

Cr Michael Whelan read the Statement of Acknowledgement.

Statement of Acknowledgement

Bass Coast Shire Council acknowledge the Bunurong as the Traditional Owners and Custodians of the lands and waters, and pays respect to their Elders past, present and emerging, for they hold the memories, the traditions, the culture and Lore.

Bass Coast Shire Council celebrates the opportunity to embrace and empower the Aboriginal and/or Torres Strait Island Communities in their diversity.

Bass Coast Shire Council will create opportunities for future recognition and respectful partnerships that will honour the Traditional Owners and Custodians, and Aboriginal and/or Torres Strait Islander Peoples.

Cr Bruce Kent read the Councillor Statement.

Councillor Statement

All members of this Council pledge to the Bass Coast Shire community to consider every item listed on this evening's agenda:

- Based on the individual merits of each item;
- Without bias or prejudice by maintaining an open mind; and
- Disregarding Councillors' personal interests so as to avoid any conflict with our public duty.

Any Councillor having a conflict of interest in an item will make a proper, prior disclosure to the meeting and will not participate in the debate or vote on the issue.

A Present and Apologies

Councillors:

- Cr Michael Whelan Island Ward (Mayor)
- Cr Les Larke, Bunurong Ward
- Cr Ron Bauer, Island Ward
- Cr David Rooks, Island Ward
- Cr Rochelle Halstead, Western Port Ward
- Cr Bruce Kent, Western Port Ward
- Cr Clare Le Serve, Western Port Ward

Officers in Attendance:

- Ms Ali Wastie, Chief Executive Officer
- Mr Wayne Mack, General Manager Business Transformation
- Mr James Stirton, General Manager Place Making
- Ms Jodi Kennedy, General Manager Resilient Communities
- Ms Robyn Borley, Manager Governance and Property

Apologies:

- Cr Leticia Laing, Bunurong Ward (Deputy Mayor)
- Cr Brett Tessari Bunurong Ward

B Declarations of Interest

There were no Declarations of Interest

C Confirmation of Minutes

C.1 Council Meeting held on 21 September 2022

Council Decision

Moved: Cr. Bruce Kent / Seconded: Cr. Clare Le Serve

That the minutes of the Council Meeting held on 21 September 2022 be confirmed.

CARRIED

D Public Question Time

D.1 Philip Graeme Davy, Surf Beach Sunderland Bay Special Charges Scheme

1. Who is expected to pay for the upgrade of the hopelessly under capacity Philip Island Road drainage infrastructure.
2. Who is expected to pay for the full wetlands drainage construction costs including land acquisitions and all legal and regulatory requirement costs.

D.2 Neil Wilmot, Proposed sealing of roads for Surf Beach

As a resident of Surf Beach, have Council investigated the change to expected heat levels, with the proposed sealing of roads for Surf Beach?

D.3 Susie Wickes, Surf Beach Sunderland Bay Special Charges Scheme

1. Can Council confirm that there are 1033 rate payers in Surf Beach and Sunderland Bay?
2. Can Council confirm that as advised by Council Officers, if Council receives 517 objections the scheme will be abandoned?

D.4 Danielle Inwood, Surf Beach and Sunderland Bay Road and Drainage Works

1. How exactly are you planning on communicating to owners the clear message of a no vote means yes to residents, and that they need a 50+1 for it to go ahead. It isn't enough for mail outs that are getting lost or hidden amongst other notices from council.
2. How are council going to communicate non biased information in future/over the course as it isn't being done to date.

D.5 Natasha Dunston, Surf Beach and Sunderland Bay Special Charge Scheme

1. Can council confirm who specifically has been engaged to assess the impact the proposed scheme will have on our unique environment?
2. Will the community reference groups input have any impact on decision making process other than being asked to choose an option?

D.6 Emily Clarke, Special Charge Scheme for Sunderland Bay and Surf Beach

Will BCSC continue to work with DEWLP to provide alternate best practice Road and Drainage Scheme solutions that benefit the character and future proof against climate change for areas recognised and listed in DEWLP's DAL Program, such as Surf Beach and Sunderland Bay?

Response Questions D.1 - D.6

Response:

Council is following the Urban Roads and Drainage Improvement Policy 2019 and the legislative processes of the Local Government Act 1989 in regards to the Surf Beach and Sunderland Bay potential road and drainage upgrade project. Council is undertaking community engagement and various planning investigations to determine the preferred design, project risks, cost estimate and cost proportion of works.

Council's engagement includes consultation with every property owner within Surf Beach and Sunderland Bay, a monthly newsletter, email / letter correspondence and a dedicated information page on Engage Bass Coast. A Community Reference Group consisting of over 100 property owners has also been established to help guide potential design options which will later be presented to the wider community.

A detailed report to Council is expected to be presented for consideration in July 2023. Residents are encouraged to follow updates on the proposal on engage.basscoast.vic.gov.au

Officers will also follow up with each question submitter to discuss their specific enquiries further.

D.7 Sue Alcock, Public Open Space Contribution

1. How much "public open space contribution" levy has been raised in San Remo from 2018 until now?
2. How has this been used to the benefit of San Remo?

Response:

Since 2018, Council has collected \$123,250 in public space contributions. These funds have not been spent.

D.8 *Melissa Dagg, Asset renewal backlog*

Can Council please provide details with explanations, of council's asset renewal backlog, currently?

Response:

The current backlog is 0.9% and this is detailed in the ten-year Assets Plan adopted by Council in June 2022.

E Petitions, Joint Letters, Deputations and Correspondence

There were no Petitions, Joint Letters, Deputations and Correspondence.

Notices of Motion

F Notices of Motion

There were no Notices of Motion.

Mayor and Councillors Reports

G Mayor and Councillors Reports

G.1 Mayoral Report - Cr Michael Whelan

Activities

- Launch of The Topsy Cowe
- Opening of the community farm at The Cape
- Gippsland Women's Health filming of "Lets Chat Film"
- Womens Leading Local Forum
- Bass Coast Shire Citizenship Ceremony
- Hoard Exhibition Cowes Cultural Centre
- MotoGP
- Open Local Jobs Expo, St Phillips Parish Hall, Cowes

Meetings

Attended Council Workshops and Briefings

Chaired Councillor Only Meetings

Weekly meetings with CEO, Council Support and Communications

Additional Meetings:

- South Gippsland Shire Council Mayor & CEO Meeting
- South East Councils Climate Change Alliance (SECCCA) online meeting
- Economic Development Regular Meeting
- Project control group Cowes Cultural and Community Centre
- Local Government Mayoral Advisory Panel - Meeting 4
- One Gippsland: Closed Mayoral Discussion
- One Gippsland - October Board Meeting
- One Gippsland - October Local Government Meeting
- Public meeting - Campaign to save the Western Port Woodlands
- CEO Employment Matters Committee Meeting - CEO mid-year review
- MAV Annual Conference & Dinner
- MAV Annual Dinner & Victorian Councillor Service Awards
- State Council Meeting
- Statement of Planning Policy VCAT decisions and legal advice meeting

Other

Media Enquiries/Interviews

- ABC Interview - "Stop Tearing Up the Bush media release"

Phone calls, emails and letters

G.2 Councillor Report - Cr Clare Le Serve

- I attended - the Yeomen of the Guard on Saturday 15th October at the Corinella Hall. This event was run by the Bass Valley Music Festival
- I attended the Grantville Business & Community Ass AGM on Friday 14th October
- I attended the Bass Valley Community Centre AGM on Tuesday 11th October
- I attended the Women Leading Locally Forum on Thursday 6th October

G.3 Councillor Report - Cr Bruce Kent

- Council meeting for every Wednesday
- 29/09 National Police Remembrance Day at Korumburra
- 01/10 Grantville 150th
- 06/10 Citizenship Ceremony
- 10/10 WPW Kilcunda Bass briefing on changerooms
- 11/10 Bass Valley Community Centre AGM
- 13/10 Bass Coast Primary School Speech Contest
- 13/10 Pop up at Coronet Bay Master Plan
- 14/10 Meeting with Bass Coast Dog Association
- 15/10-16/10 Motor GP

G.4 Councillor Report - Cr Rochelle Halstead

Council Briefings

- MotoGP
- Social and Affordable Housing
- Role of Council and Councillors
- Skate Strategy
- Roads Management Overview
- Neighbourhood Housing and Character Surf Parade Shared Path
- RRV Phillip Island corridor planning final workshop
- Developer Briefing – Rhyll Brewery
- Communications and Engagement Strategy
- Mayor catch-up

Council Events

- Pre-recording for Women Leading Locally Forum
- Australian MotoGP – Friday, Saturday, Sunday

Community Meetings

- Kilcunda Bass Football Club
- Annual Leave – 29 September to 13 October 2022

G.5 Councillor Report - Cr Leticia Laing

Events

- Rainbow Ready Roadshow – Gippsland Pride Initiative
- Gippsland Business Awards Gala - Federation University, Gippsland
- Pride Prom
- Bass Coast Adult Learning Pathways Expo
- Cape Paterson Surf Life Saving Club Annual General Meeting
- Australian Citizenship Ceremony
- Official opening of The Cape Community Farm, Cape Paterson
- Women Leading Locally Forum
- Phillip Island Croquet Club Official Opening
- Public Meeting – Campaign to Save the Westernport Woodlands candidate meeting

- Phillip Island Motorcycle Festival opening
- Screw Creek Board Walk Official Opening, Inverloch
- Australian Motorcycle Grand Prix

Meetings

- Myli independent director interviews - Warragul
- Women Leading Locally Forum planning briefing
- Myli – My Community Library board meeting

Councillor Briefings

- Access and Inclusion Advisory Committee briefing
- Housing and Neighbourhood Character Strategy briefing
- Various planning briefings and councillor briefings

G.6 Councillor Report - Cr David Rooks

Meetings

- Event Advisory committee - chaired
- Council meeting
- Cowes Cultural Centre :Project Control Group
- Ward Catch up
- Pre PIITS meeting

Briefings

- Weekly Wednesday Council Briefings
- IW monthly planning briefings
- Training
- Functions
- Women Leading locally forum

Other

- Ongoing
- Prepared for monthly Councillor meeting
- Dealt with constituents' issue and queries – email, phone

Reports Requiring Council Decision

H Reports Requiring Council Decision

H.1 Planning Application 94581-1 - Amendment to Condition 19 of Planning Permit 94581 to extend operating hours of service station at 103-107 McKenzie Street Wonthaggi

File No: CM22/551
Division: Place Making
Council Plan Strategic Objective: Growing our Economy

Progressing opportunities for visitor economy and business growth in harmony with our natural environment and sustainable values

Declaration

The author has no direct or indirect interests in relation to this report.

Purpose of Report

For Council to consider a planning amendment to Condition 19 of Planning Permit 94581 to extend the operating hours of an existing service station from 7.00am to 10.00pm daily, to 6.00am to 11.00pm daily at 103-107 McKenzie Street Wonthaggi.

Executive Summary

Application number:	94581-1
Applicant:	Evans Petroleum Gippsland Pty Ltd.
Land/Address:	103 – 107 McKenzie Street Wonthaggi
Ward:	Bunurong Ward
Proposal:	Amendment to Condition 19 of Planning Permit 94581 to extend operating hours of an existing service station from 7.00am to 10.00pm daily, to 6.00am to 11.00pm daily.
Zone:	General Residential Zone – Schedule 1 (GRZ1)
Overlay:	No overlays apply to the land.
Aboriginal cultural heritage sensitivity	The site is not located within an area of identified cultural heritage sensitivity.
Title:	Land in Plan of Consolidation 35681 IN in Volume 10194 Folio 429. No covenants or easements affect the land.
Number of submissions:	A total of 8 objections were received.

Reason a Council decision is required:	Council's delegations require applications that attract five or more objections to be determined by Council. This application attracted eight objections. The application was also called in by a Councillor.
Officer recommendation:	Refusal to Grant an amended Planning Permit

Summary of Officer Recommendation

That Council issue a Refusal as outlined in the Officer Recommendation section of this report.

The proposal is not recommended for support for the following reasons:

- The proposed extension to operating hours by an additional hour early in the morning and late in the evening has the potential to adversely impact the nighttime amenity and sleep of residents in abutting dwellings.
- All objections received from occupiers of surrounding properties identify a range of adverse offsite amenity impacts produced by the existing service station. The proposed extension of operating hours risks worsening these issues.
- The existing use and development of the land for a service station is at odds with the purpose and decision guidelines of the General Residential Zone which seeks to prioritise and protect residential land use.
- The application is inconsistent with Clauses 13.05-IS (Noise management) and 13.07-IS (Land use compatibility) of the Planning Policy Framework.
- The restriction of service station operating hours under Condition 19 of Planning Permit 94581 remains reasonable and necessary to protect the amenity of surrounding residential properties.

The Proposal

A planning application for amendment under Section 72 of the *Planning and Environment Act 1987* has been lodged with Council for consideration. This application proposes an amendment to Planning Permit 94581 applying to the land at 103 – 107 McKenzie Street Wonthaggi as follows:

- Amendment to permit condition 19 to extend operating hours of the existing BP service station from 7.00am to 10.00pm seven days a week, to 6.00am to 11.00pm seven days a week.

A copy of the subject planning permit is provided at Attachment One (AT-1).

Relevant Planning History

The following planning applications apply to the subject site and are relevant to the consideration of the proposal:

- Planning Permit 94581 was issued by Borough of Wonthaggi for the use and development of the land for a Service station, Handymart and Carwash on 15 June 1994. This permit was issued following a VCAT determination. The determination included the application of condition 19 which restricts service station operating hours to between 7.00am and 10.00am unless with the prior

written consent of the Responsible Authority. Condition 20 also restricts operating hours of the car wash to between 8.00am and 8.00pm.

- Planning application 050440 sought to amend the service station operating hours from 7.00am to 10.00pm daily, to 6.00am to 11.00pm daily. The application was refused by Council on 16 August 2006. This decision was appealed to VCAT who affirmed Council's decision to refuse the amendment on 13 February 2007 on the grounds of the service station being located within a residential area and the potential increase in amenity impacts on surrounding properties.
- Planning Permit 090587 was issued for the replacement of existing internally illuminated signage on 26 November 2009. Condition 3 of this permit requires that the sign may only be illuminated during the hours of business. It is noted that any approved extension to operating hours would also allow an increase in the nighttime hours in which existing signage can be illuminated.
- Planning Permit 150356 was issued for the installation of an above ground self-contained storage tank for Ad-Blue on 05 April 2016.

Subject Site and Surrounds

The site is located on the western side of McKenzie Street between Outlook Drive which abuts the site to the north and Poplar Street approximately 130 meters to the south. The site is almost rectangular in shape except for a small splay across the northeast corner. The lot has a 51.1 metre frontage to McKenzie Street, a maximum depth of 60.35 metres and a site area of 3203 square metres.

The site is developed with a truck enabled BP Service Station. Eight bowsers are covered by a car canopy within the centre of the site which connects to a retail store towards the northern boundary. Additionally, a drive-through carwash and three car parking spaces are located towards the western rear boundary, and an above ground self-contained storage tank has been constructed on the eastern site frontage. The service station has two double crossovers providing access to McKenzie Street. Garden beds with a mix of vegetation line the southern, western, and northern site boundaries which are defined by paling fences.

The subject site is located approximately 360 metres north of Korumburra Road and the commercial centre of Wonthaggi. It lies within an established residential area that is additionally developed with a variety of commercial operations along McKenzie Street including a childcare centre, ambulance station and carwash. This is a high traffic road forming part of the Bass Highway. Industrial precincts are also located approximately 200 metres to the south and 150 metres to the north. Several green spaces are within 300 metres of the site including Wonthaggi Golf Club, Wonthaggi Wetlands Reserve, Wonthaggi Recreation Reserve and Wonthaggi Bushland Reserve.

The main characteristics of the surrounding area are:

North	Adjoining the land to the north is the Outlook Drive Road Reserve. The nature strip abutting the site is 11 metres wide and contains several mature eucalyptus trees and other established vegetation. On the opposite side of Outlook Drive are residential properties at 37 Outlook Drive and 109 McKenzie Street which are both developed with single dwellings.
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South	Adjoining the land to the south is 101 McKenzie Street. This lot is approximately 1000 square metres in area and contains a single double-storey dwelling with associated outbuildings.
East	Adjoining the land to the east is McKenzie Street which is managed by VicRoads and forms part of the Bass Highway. On the opposite of McKenzie Street is 102 McKenzie Street developed with a single dwelling and municipal reserves.
West	Adjoining the land to the west is an unmade road reserve which is an extension of Frongerud Lane. The reserve contains several mature trees. Directly abutting the road reserve to the west at 22 Overlook Drive are 3 medium-density, single storey dwellings.



Figure 1 - Aerial photograph of subject site (Source: Council's GIS System, dated 2021).

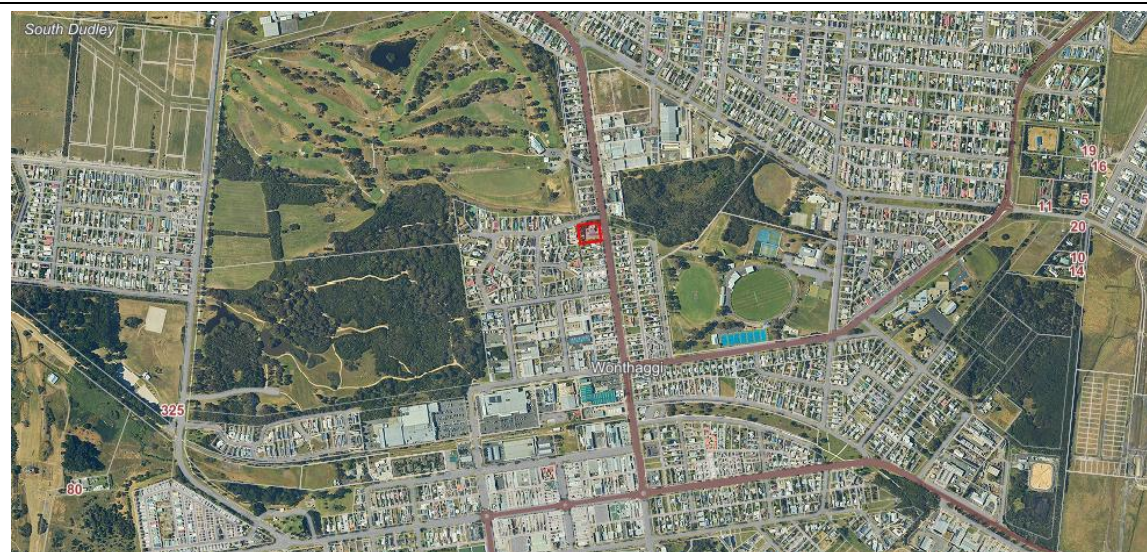


Figure 2 – Aerial photograph of subject site and surrounds (Source: Council's GIS System, dated 2021).

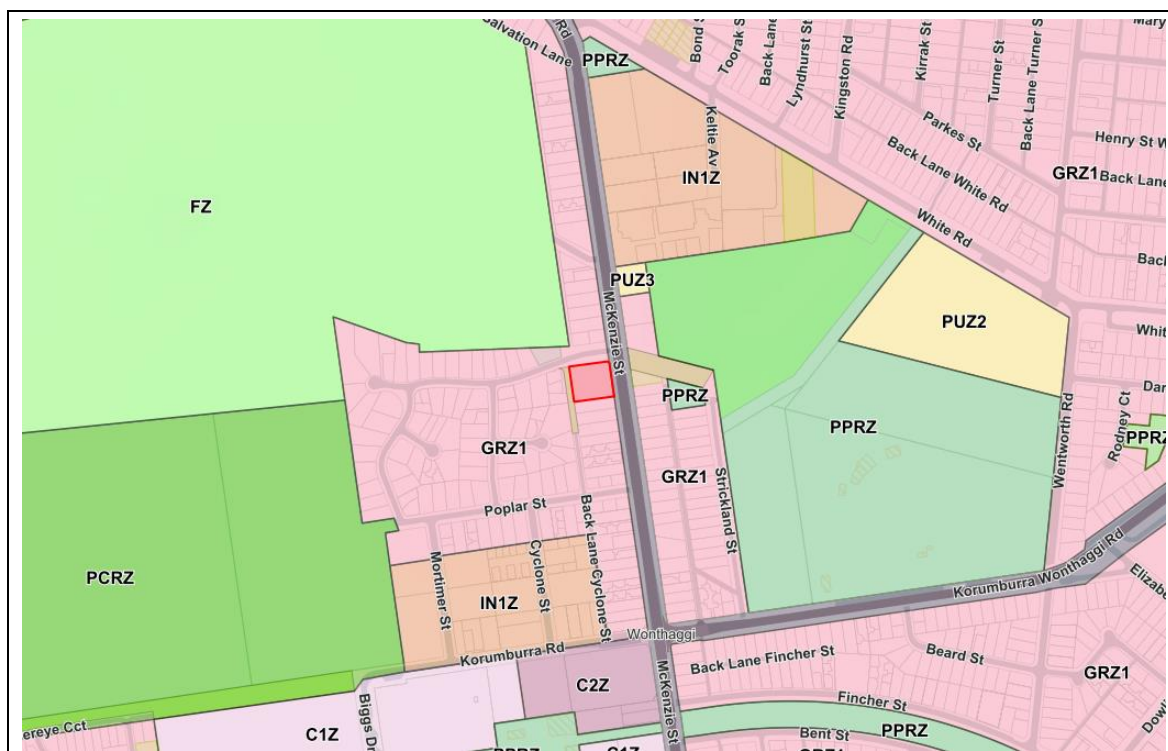


Figure 3 – Zoning Map.



Figure 4 – Photograph facing west from McKenzie Street towards service station and adjacent dwellings to the north of the site.



Figure 5 – Photograph facing south from Outlook Drive towards service station and adjacent dwelling to the south of the site.



Figure 6 – Photograph facing south from Outlook Drive towards the adjacent 3-dwelling development to the west of the site.

Consultation

Notice of the application was required under Section 52 of the *Planning & Environment Act 1987*, as the responsible authority was not satisfied that the grant of the permit would not cause material detriment to any person.

The Applicant gave notice in the following manner:

- Sent copies of the Notice by registered mail to 13 landowners and occupiers; and
- Placed a Notice on the land.

In response to notification the application attracted eight objections.

A copy of each submission is included under Attachment Five (AT-5).

The submitter concerns and comments are summarised further in this report including a Council Officer response in the table provided.

Referrals

The following table outlines the referral requirements of this application.

Referral Authority	Comments
External (Section 55 of the <i>Planning and Environment Act 1987</i>)	
No external referrals required	Not applicable.
Internal (Section 52 of the <i>Planning and Environment Act 1987</i>)	
Property	No objection to the application.

Planning Scheme Provisions

Planning Policy Framework Assessment

The relevant Planning Policy Framework clauses are as follows:

VPPI 1 Settlement

- Clause 11-01-1L-02 Wonthaggi

VPP 13 Environmental Risks and Amenity

Clause 13.05 Noise

- Clause 13.05-IS Noise management

Clause 13.07 Amenity and Safety

- Clause 13.07-IS Land use compatibility

VPP 17 Economic Development

- Clause 17.01-IS Diversified economy

Clause 17.02 Commercial

- Clause 17.02-IS Business
- Clause 17.02-2S Out-of-centre development

The following provides an assessment of the proposal against the relevant Planning Policy Framework (PPF) under the themes of Settlement, Environmental Risks and Amenity and Economic Development.

The PPF recognises the importance of identifying, preventing, and managing amenity problems created by the siting of incompatible land uses and development together. Commercial uses with potential offsite impacts including noise emissions should be facilitated in a way that protects community amenity and sensitive residential land use. These policies must be balanced with the aim of planning to support strong local economies that meet the community needs for commercial services in convenient locations.

Having regard to the PPF it is considered that the proposal fails to comply with Clause 11 (Settlement), Clause 13 (Environmental Risks and Amenity) and Clause 13.05-1S (Noise management) which all seek to protect the community and sensitive residential areas from adverse offsite amenity impacts produced by the proximity of incompatible commercial land use.

An acoustic assessment was submitted with the application which can be found at Attachment Three (AT-3). The assessment predicts that the noise levels produced by the proposed extension in operating hours is compliant with relevant legislation and industry practice. It also states that noise sleep disturbance limits are already frequently exceeded by traffic travelling along McKenzie Street without the impact of service station operation. However, the objections received against the proposal raise unanimous concerns regarding already existing offsite noise and amenity impacts from the operation of the service station as discussed in further detail below.

Although other nearby businesses have operating hours consistent with those being proposed for the service station, they do not abut residentially developed properties.

The existing restriction of operating hours remains relevant even 28 years after the issue of the original planning permit and allows for the viability of the subject business and service to the community whilst protecting the amenity of nearby residents during early morning and late-night hours.

Zone Assessment

Clause 32.08 – General Residential Zone, Schedule 1

The purpose of the General Residential Zone is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To encourage development that respects the neighbourhood character of the area.*
- *To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.*
- *To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.*

Pursuant to the table of uses under Clause 32.08-2, a planning permit is required for use of the land for a service station. For an application to be considered a Section 2 use under the zone, the land area must be less than 3000 square metres if the property adjoins a Transport Road Zone 2 on a single boundary only (the case of the subject land). The subject land is 3,203 square metres and the application fails to meet the condition of the section 2 use. The use of the land for a service station is therefore prohibited under the current Bass Coast Planning Scheme. However, the

site has existing use rights to operate as a service station because a planning permit for the use has been previously granted and remains active.

Clause 32.08-13 contains the following decision guidelines for non-residential use and development:

- *Whether the use or development is compatible with residential use.*
- *Whether the use generally serves local community needs.*
- *The scale and intensity of the use and development.*
- *The design, height, setback and appearance of the proposed buildings and works.*
- *The proposed landscaping.*
- *The provision of car and bicycle parking and associated accessways.*
- *Any proposed loading and refuse collection facilities.*
- *The safety, efficiency and amenity effects of traffic to be generated by the proposal.*

The application is not considered to be consistent with the purpose or decision guidelines of the zone. The proposal to increase the operating hours has the potential to better serve the needs of the local community, but the land use is now prohibited and considered incompatible with the surrounding residential use prioritised by the zone. Any proposal to increase the operating hours of the service station has the potential to further exacerbate adverse amenity impacts already affecting neighbouring properties.

Concerns Raised by Submitters

The following table summarises submissions into themes and provides a discussion on planning merit:

Submitter Theme	Council Officer Response
Increased light pollution from car headlights and service station lighting into residential homes.	The proposal to extend operating hours an additional hour in the morning and evening may intensify the impact of light pollution as it will be darker during these hours.
Increased noise pollution from heavy vehicle movements including trucks, car radios, foot traffic, customer and staff conversation, yelling, alcohol fueled behavior and other associated noises.	Residential areas are more sensitive to noise pollution during nighttime hours when sound is likely to impact on sleep and other noise sources are at a minimum. It should also be considered that the consistent sound of traffic travelling along McKenzie Street differs to the sound of vehicles breaking and accelerating to enter and exit the service station.
Increased traffic movements and congestion contributing to already dangerous road conditions including use of private driveways for maneuvering.	Even without the operation of the service station the area is subject to a high level of traffic movements due to McKenzie Street forming part of the Bass Highway and being a major thoroughfare through Wonthaggi. However, the service station does increase the number of vehicles breaking and maneuvering in and out of

	the subject site. The proposed increase in hours is likely to worsen the current traffic conditions especially at hours when the road will be quieter.
Petrol and diesel fumes impacting residents to a level that dwelling windows cannot be opened.	The use of the land for a service station despite the site being within a residential area is already permitted and the existing impact of fumes is not within the scope of assessment for this application.
Further loss of amenity and sleep late at night and in the early morning.	It is reasonable to foresee that the proposed increase in operating hours earlier in the morning and later at night may impact the sleep of surrounding residents.
Amenity impacts already exist outside of operating hours from staff being on site and unloading from supply trucks including ice and gas and the application will exacerbate this.	Although Condition 19 only restricts operating hours, it's expected that other activities associated with the service station will be required outside of these hours and may cause additional amenity impacts. Staff will also need to be on site outside of operation hours to open and close the service station.
The use of the land for a service station is unacceptable in a residential area.	The use of the subject site for a service station is prohibited under the General Residential Zone and current Bass Coast Planning Scheme but is already legitimised by the granting of Planning Permit 94581. The use can legally continue but the hours of operation cannot be increased without Council consent.

Conclusion

The application has been assessed against the relevant provisions of the Bass Coast Planning Scheme and is considered to be inconsistent with the Planning Policy Framework and purpose and decision guidelines of the General Residential Zone.

The application underwent notification and as a result eight objections from seven nearby residential properties were received. Concerns raised by submitters were considered in the assessment of the application.

It is recommended that Council resolve to refuse to issue an amended Planning Permit for Planning Application 94581-I to protect the amenity of surrounding residential properties.

Recommendation

That in relation to planning permit application 94581-I to amend Condition 19 to extend operating hours of an existing service station from 7.00am to 10.00pm daily, to 6.00am to 11.00pm daily at 103-107 McKenzie Street Wonthaggi, Council resolves to issue a Notice of Refusal on the following grounds:

- The amendment is at odds with the purpose and decision guidelines of the General Residential Zone which seeks to prioritise and protect residential land use.
- The application is inconsistent with Clauses 13.05-IS (Noise management) and 13.07-IS (Land use compatibility) of the Planning Policy Framework.
- The operating hours permitted under Condition 19 of Planning Permit 94581 are reasonable and remain necessary to protect the amenity of surrounding residential properties.

Attachments

AT-1	Existing Planning Permit 94581	4 Pages
AT-2	Applicant Cover Letter	5 Pages
AT-3	Acoustic Assessment	22 Pages
AT-4	VCAT Order P2285/2006 and P2565/2006	6 Pages
AT-5	CONFIDENTIAL - Submissions	19 Pages

Council Decision

Moved: Cr. Rochelle Halstead / Seconded: Cr. Bruce Kent

That the recommendation be adopted.

CARRIED

H.2 Planning Application 210377 - Use and Development of a Residential Village, removal of native vegetation pursuant to clause 52.17 and the Vegetation Protection Overlay Schedule 2 and the display of business identification signage

File No: CM22/516
Division: Place Making
Council Plan Strategic Objective: Sustainable Development

Prepare for growth while ensuring the intrinsic values and character of Bass Coast are retained.

Declaration

The author has no direct or indirect interests in relation to this report.

Purpose of Report

For Council to consider a planning application 210377 for the use and development of the land for a residential village in a GRZ, removal of vegetation in a VPO2 including native vegetation pursuant to Clause 52.17, the removal of easements from the land and the display of business identification signage.

The application was presented to Council at the August meeting. At the meeting no decision was made on the application. Since that time an amended set of plans has been submitted to Council. The revised plans are discussed in this report.

Executive Summary

Application number:	210377
Applicant:	Lifestyle Developments 2 Pty Ltd C/- Mesh Planning
Land/Address:	299-325 Church Street and 9 Spithead Street Cowes
Ward:	Island Ward
Proposal:	Use and Develop a residential village Lop, destroy, and remove native vegetation pursuant to Clause 52.17 and the Vegetation Protection Overlay Schedule 2 Remove or vary an easement pursuant to Clause 52.02 Erect business identification signage
Zone:	General Residential Zone – Schedule 1 (GRZ1)
Overlay:	Vegetation Protection Overlay Schedule 2 (VPO2)
Aboriginal cultural heritage sensitivity	The site is not located within an area of identified cultural heritage sensitivity.

Title:	<p>The land is comprised of multiple allotments.</p> <p>The majority of the land is comprised of Crown Allotment 53 and 54, Volume 00311 Folio 150 – Parish of Phillip Island.</p> <p>The remainder of the land (corner of Settlement and Justice) comprises an existing 'paper subdivision' of 49 lots and roads contained on Title Plan 839565H. Parent title Vol 04461 Folio 140.</p> <p>The land is encumbered by unused easements in favour of service authorities which require removal prior to development.</p> <p>Covenant AU678612N was created 11/08/2021 and applies to the land. The restriction relates to a two metre clearance that needs to be achieved from a common boundary.</p> <p>The proposal does not breach the covenant.</p>
Number of submissions:	A total of 15 submissions were received.
Reason a Council decision is required:	<p>Council's delegations require applications that attract five or more objections to be determined by Council. This application attracted 15 objections.</p> <p>Council's delegations require that applications for developments of more than \$3 million be received by Council for determination.</p> <p>The application form estimates a development cost of \$14m for works which require planning permission.</p>
Officer recommendation:	Notice of Decision to Grant a Planning Permit

Summary of Officer Recommendation

The proposal can be supported for the following reasons:

- The proposal provides for diversity in the housing stock providing for independent dwelling style accommodation in a village community.
- With appropriate conditions the gated community will provide for a range of communal services appropriate to a flexible occupancy and not impose an unreasonable load upon existing council services.
- The proposal minimizes the loss of indigenous vegetation on existing streets. Substantially less than would be removed for a conventional subdivision.
- The applicant will provide for the construction of public footpaths between the site and the foreshore and from the site along Church Street.

Main Considerations

The following are the main considerations that formed part of the assessment of this application:

- Neighbourhood character
- Landscape response
- Car parking and traffic
- Environmentally sustainable design

The Proposal

This application proposes to develop and use the land for the purpose of a residential village generally in accordance with the concept masterplans prepared by Mesh Planning. Residential village is defined as land, in one ownership, containing a number of dwellings, used to provide permanent accommodation and which includes communal, recreation, or medical facilities for residents of the village.

The decision plans are provided as Attachments

Key features of the proposal include:

Residential village:

- A residential village is an alternative form of permanent accommodation where residents own the dwelling but lease the land (referred to in this report as a 'plot') upon which the dwelling is sited;
- Single ownership of the land and the employment of a permanent onsite manager provides assurance and security to residents of the village that shared facilities are maintained;
- The entrance/s will remain open during daylight hours for all vehicles and closed after hours. Entry via the gate after hours is accessible by residents via a swipe card. The gate is not illustrated on the plans.
- Signage is proposed on Settlement Road to be displayed to the east and west identifying the business. The signage will not be illuminated

Club House:

- A single storey centrally located Club House would contain communal facilities for residents and administration offices for staff. Communal facilities include:
 - Dining and lounge areas including a kitchen
 - Flexible activities room, cinema, gym, library, shared tool supply and pool
 - Outdoor facilities include barbeques, seating, bowls and croquet grounds, outdoor pool, and a pickle ball court
 - The Club House includes 20 formalised visitor car parking spaces in total this includes 2 car parking spaces located near the entrance of the Club House marked for disability access
 - The Club House would have a modern, sweeping crescent form, with a roof rising from 5.5 metres above ground level to a peak height of 6.35 metres. The perimeter outer walls would be finished largely in unpainted board and

batten with substantive glazed finished facing northeast toward the central courtyard. Outdoor communal facilities are located on either side of the crescent.

Open spaces

- Five parklets are spread throughout the site providing convenient and useable passive open spaces.
- One larger park area is located abutting the central access from Settlement Road that can provide for more substantive recreational pursuits and used flexibly in response to changing community needs.

Dwellings

- Over 250 potential dwelling sites are proposed by the concept masterplans.
- Dwellings are proposed to be Unregistered Moveable Dwellings (UMDs). These are constructed offsite and may be moved on or off the premises within a 24 hour period.
- 23 different moveable dwelling designs have accompanied the application.
- The proposed plan indicates that a potential 256 UMDs could be placed on the land.

Landscaping

- Internal roads within the community are proposed to be lined with a mixture of tall-stemmed street trees to provide shade for pedestrians, footpaths, and dwellings, improve walkability around the community and encourage lower speed limits. Various low-growing landscape plant species in garden beds will be used to complement the site surrounds to soften dwelling facades, access points and the overall appearance of the residential village
- Parklets throughout the site include substantial plantings around formalised garden areas to function a raingarden filtration and community garden features. Underneath these parklets are substantial stormwater detention infrastructure.

External infrastructure provision

- It is proposed to build two paths contributing towards pedestrian links to the broader Cowes community.
- One link is a north-south connection on Bellavista Road from the southern point of the subject site through to the beach. This link will be made of compact gravel from the southern end of the subject site to Church Street and concrete from Church Street to the beach.
- The second pedestrian link is a concrete east-west pedestrian path on the north side of Church Street across from the frontage of the subject site. The proposed east-west path is on the north side of Church Street instead of abutting the subject site on the south in consideration of the extensive vegetation on the south side



Figure 1 - Proposed Plans (landscape)

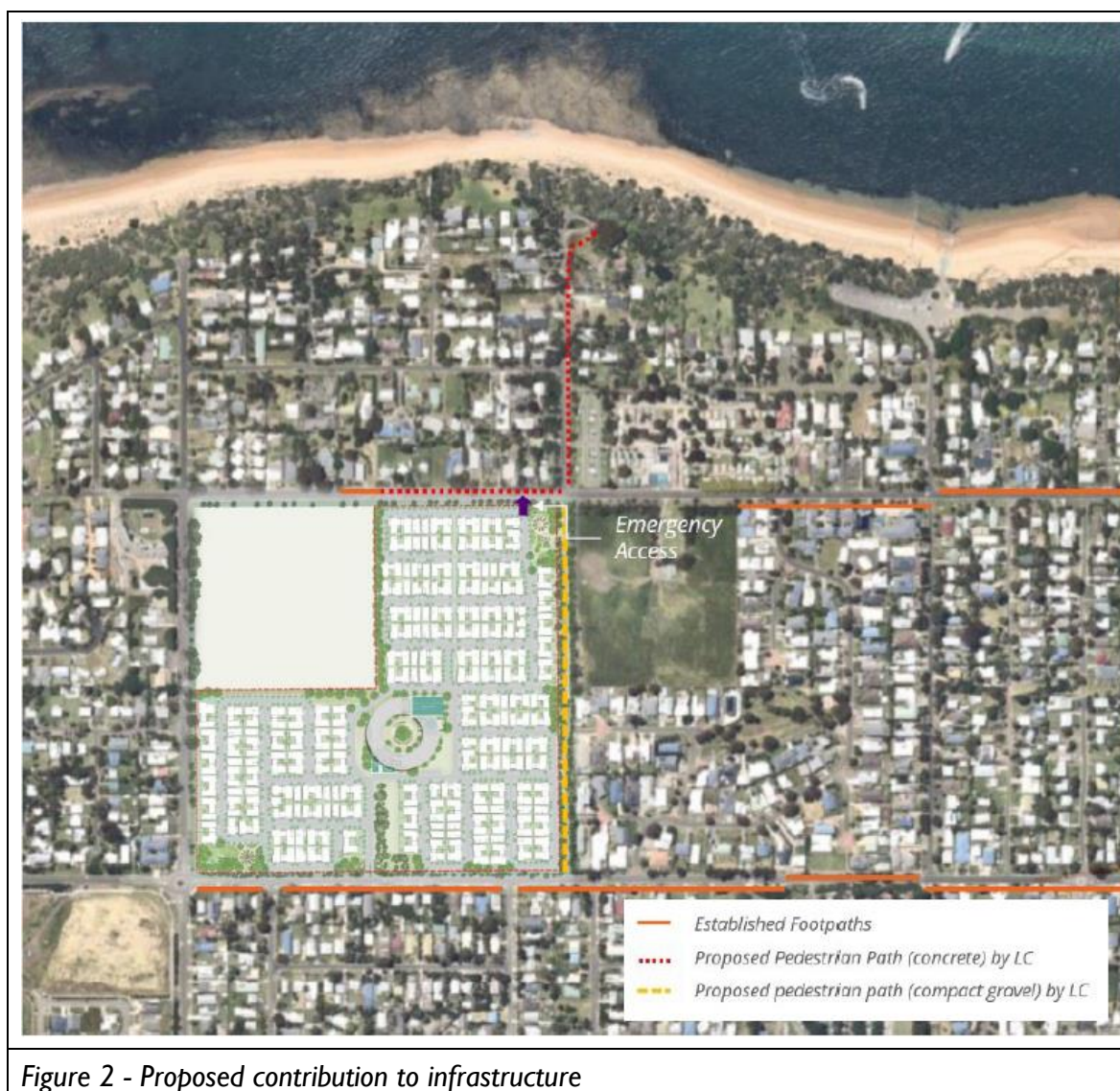


Figure 2 - Proposed contribution to infrastructure

Subject Site and Surrounds

The site is located on the west side of Cowes, between Church Street to the north and Settlement Road to the south. The site is made up of multiple titles which together create a large 12 hectare area spanning three road frontages.



Figure 3. Aerial photograph of subject site (Source: Council's GIS System, dated December 2021)

The site is undeveloped and generally appears rural with undulating grazing and a small rural dam in the southwest corner.



Figure 6. View of subject site frontages page 16 of Neighbourhood Character Statement prepared by Mesh and submitted with the application.

The main characteristics of the surrounding area are:

North	<p>Church Street forms the northern 202m frontage of the property. The road is fully constructed 7.3m carriage with curb and channel. The road reserves on the south are heavily vegetated with more sporadic street planting and private gardens in the established residential areas north of Church Street.</p> <p>Residential areas north of Church Street are identified as a minimal change area where the built form and character will be maintained.</p>
South	<p>Settlement Road forms the 398m southern frontage of the property. Settlement road is a fully constructed 7.5m carriageway with curb and channel. The road reserve with the site is heavily vegetated with remnant melaleuca while the southern reserve features a shared path and regular street trees.</p>
East	<p>Adjoining the land to the east is an unused road reserve 'Bellavista Road' which features dense remnant vegetation and established canopy. An informal walking/cycling track provides for alternative transport connection between settlement and Church Street.</p> <p>An undeveloped parcel of land abuts Church Street and the Bellavista pedestrian path. This parcel is identified for incremental change.</p>
West	<p>Adjoining the land to the west is a single residential property comprised of one or two dwellings, associated outbuildings, and featuring a significant 2m contiguous brick wall on the North, East, and West of the property, The southern boundary is fenced with typical post and wire.</p> <p>The property is heavily vegetated with established and tall native varieties which screen buildings and activities within from public view.</p> <p>The 200m western frontage to Justice Road is distinct from Church St and Settlement Road by its narrow 6m carriageway, informal swale drains and grass/gravel curb. The gradient of the property follows that of justice road from north to south with the lowest point in the southwest corner approximately 500mm below the level of the road.</p> <p>Existing residential development which fronts Justice Road is within the minimal change area.</p>



Figure 7 - Zoning Map

Consultation

Notice of the application was required under Section 52 of the *Planning & Environment Act 1987*, as the responsible authority was not satisfied that the grant of the permit would not cause material detriment to any person.

The Applicant gave notice in the following manner:

- Sent copies of the Notice by registered mail to landowners and occupiers of 54 properties directly affected: and
- Placed two A3 Notices on Settlement Road
- Placed two A3 Notices on Church Street
- Placed one A3 Notice on Justice Road.
- Placed two notices in the Philip Island and San Remo Advertiser

In response to notification the application attracted 15 objections.

A copy of each submission is included in Attachment two.

The submitter concerns and comments are summarised further in this report including a Council Officer response in the table provided.

Amended plans were submitted pursuant to Section 57A which responded to objector and council concerns regarding the proposed development.

Referrals

The following table outlines the referral requirements of this application.

Referral Authority	Comments
External (Section 55 of the <i>Planning and Environment Act 1987</i>)	
Department of Environment Land Water and Planning	Referred for their comment on native vegetation removals. No objection was provided subject to conditions. The proposed conditions of DELWP are proposed to be altered to increase the offsets required in response to application changes throughout the process. Re-referral is not required.
Department of Transport	Referred for applications which create 60 or more residential lots or dwellings. The referral relates to public transport infrastructure. No objection was provided subject to conditions
External (Section 52 of the <i>Planning and Environment Act 1987</i>)	
Ausnet Electricity Services	Referred for consideration of the proposed neighbourhood scale solar microgrid and battery storage. No objection was received.
Country Fire Authority	Referred to assist with the consideration of fire threat and reduced entry/exit points. No objection – subject to recommended conditions.
Westernport Region Water Authority	Referred for advice on connectivity to the Cowes 'Purple Pipe' network and the removal of easements. No objection No connection to the purple pipe was directed.
Melbourne Water	Referred for consideration of impact on downstream assets No objection.
Internal (Section 52 of the <i>Planning and Environment Act 1987</i>)	
Development Services	Consideration of the traffic impact assessment and stormwater management strategy. No objection subject to conditions.
Environmental Health	Consideration of the site being registered with Council as a Camping and Caravan Park. No objection subject to conditions
Building	Referred for consideration and comments on the proposal No objection
Coast and bushland team	Consideration of vegetation removal reports and offset requirements. No objection subject to conditions.

Waste team	Consideration of proposed garbage collection using council services. Concerns with the proposal requiring conditional resolution.
Climate Change and Sustainability officer	Consideration of the Sustainability Management Plan Support the proposal
Community Planning	Consideration of impact on social services, health and facilities and impacts of gated communities. No objection
Social Planning	Consideration of impact on social services, health and facilities and impact of gated communities No objection
Open Space	Consideration of the recreational facilities proposed and impact on other recreational space. Concerns raised with functionality of open space and accessibility to residents. Resolved by amended plans submitted in September.
Strategic Planning	Consideration to the social housing strategy and Cowes Policy Framework. Object to the proposal being identified as affordable housing Concern regarding the 'fit' with an incremental change area.
Economic Development	Consideration of the economic impact assessment submitted with the application No objection.
Revenue Services	No objection.
Place naming	No objection.

Planning Scheme Provisions

Planning Policy Framework Assessment

The relevant Planning Policy Framework clauses are as follows:

VPP00 Purpose and Vision

Clause 02 – Municipal Planning Strategy

- Clause 02-02 Vision
- Clause 02-03 Strategic direction

VPP11 Settlement

Clause 11.01 - Victoria

- Clause 11-01-IS Settlement
- Clause 11-01-IR Settlement – Gippsland
 - Clause 11-01-IL-01 Settlement
 - Clause 11-01-IL-03 Cowes

Clause 11.02 - Managing Growth

- Clause 11.02-1S Supply of urban land
- Clause 11.02-2S Structure planning

Clause 11.03 - Planning for Places

- Clause 11.03-4S Coastal settlement

VPP 12 Environmental and Landscape Values

Clause 12.01 Biodiversity

- Clause 12.01-1S Protection of biodiversity
 - Clause 12.01-1L Protection of biodiversity
- Clause 12.01-2S Native vegetation management

VPP 13 Environmental Risks and Amenity

Clause 13.02 Bushfire

- Clause 13.02-1S Bushfire planning
- Clause 13.02-1L Bushfire planning

VPP 14 Natural Resource Management

Clause 14.02 Water

- Clause 14.02-2S Water quality
 - Clause 14.02-2L Water quality

VPP 15 Built Environment and Heritage

Clause 15.01 Built Environment

- Clause 15.01-1S Urban design
- Clause 15.01-1L-01 Urban Design in Bass Coast
- Clause 15.01-1L-02 Landscape design
- Clause 15.01-1L-03 Signs
- Clause 15.01-2S Building design
 - Clause 15.01-2L Building design
- Clause 15.01-4S Healthy neighbourhoods
- Clause 15.01-5S Neighbourhood character
 - Clause 15.01-5L Neighbourhood character

Clause 15.02 Sustainable Development

- Clause 15.02-1S Energy and resource efficiency

VPP 16 Housing

Clause 16.01 Residential Development

- Clause 16.01-IS Housing supply
 - Clause 16.01-IL Housing supply
- Clause 16.01-2S Housing affordability

VPP18 Transport

Clause 18.02 Movement networks

- Clause 18.02-IS Sustainable personal transport
 - Clause 18.02-IL Sustainable personal transport
- Clause 18.02-2S Public Transport
 - Clause 18.02-2L Public transport
- Clause 18.02-3S Road system
- Clause 18.02-4S Car parking
 - Clause 18.02-4L Car parking

VPP 19 Infrastructure

Clause 19.01 Energy

- Clause 19.01-IS Energy supply
- Clause 19.01-IR Energy supply – Gippsland
- Clause 19.01-2S Renewable energy

Clause 19.02 Community Infrastructure

- Clause 19.02-3S Cultural Facilities
- Clause 19.02-4S Social and cultural infrastructure
 - Clause 19.02-4L Social and cultural infrastructure
- Clause 19.02-6S Open space
 - Clause 19.02-6L Open space

Clause 19.03 Development Infrastructure

- Clause 19.03-2S Infrastructure design and provision
 - Clause 19.03-2L Infrastructure design and provision
- Clause 19.03-3S Integrated water management
 - Clause 19.03-3L Integrated water management
- Clause 19.03-4S Telecommunications
 - Clause 19.03-4L High speed telecommunications
- Clause 19.03-5S Waste and resource recovery

The following provides an assessment of the proposal against the relevant Planning Policy Framework (PPF) under the themes of Settlement and infrastructure, Housing, built environment and sustainable development;

Settlement and Infrastructure

The PPF recognises the importance of accommodating development within established settlement boundaries to limit the spread and impact of settlements on the character and environment of coastal areas. Locating residential development at higher densities within existing townships supports the efficient provision of services and infrastructure to residents. With connection available to all necessary services, established local drainage networks and fully constructed road network.

The site and designated zoning being General Residential Zone, is an appropriate location for a residential village. Planning policies identify Cowes as a district town encouraging infill and this land as a 'development opportunity' in the Cowes Strategic Framework Plan. The land is zoned General Residential (GRZI), which encourages a diversity of housing types and growth particularly in locations that offer good access to services and transport. The land is not identified as being subject to any environmental risks.

The higher density and direct pedestrian connectivity is supported by the PPF to encourage alternative and sustainable transport options. Public bus stops are available to both sides of the village. The inclusion of communal facilities within the village ensures residents are all within 300m of facilities.

Housing

There is merit to the proposal where the Municipal planning strategy seeks "*to support housing diversity that is reflective of the changing demographic in permanent residents and the needs of non-permanent residents*" while restricting residential development to land within settlement boundaries. The proposal provides for an alternative housing model which generally accords with local policies for Housing Supply, however the business model presented to Council will not address the state policies for housing affordability in the typical sense.

It should also be noted that the residential village developments are often provided with a lesser level of internal and external amenity for the residents of dwellings in residential villages including lower energy efficiency standards. As the land use does not require consideration against 'ResCode', there is limited scope to address internal amenity considerations that would ordinarily be required to be achieved for any other medium density development.

Built Environment and Landscape

The proposal is considered to appropriately acknowledge the diverse characteristics of the surrounding neighbourhood and responds through landscaping and individual building scale. Fencing is permeable and allows for passive observation while pedestrian connections between all sides of the village are provided to the existing pedestrian network. Landscaping is proposed to be substantial, nominating a range of tall canopy trees within the accessways and two small communal garden areas.

It was notable that Cowes has no specific neighbourhood character policy guidelines and is subject to the general policy documents. The 'Phillip Island and San Remo

Design Framework' states *"the small parcels of rural land remaining within Cowes are likely to be subdivided for residential use. It will be important to integrate new development with the existing urban fabric"* while providing for an *"aging population whose special requirements will need to be accommodated."*

It is considered that for the alternative type of housing proposed, an effort has been made to integrate with surrounding residential neighbourhood and these are all aspects which are in favour of the proposal.

Where the proposal raises concern is the response of individual dwellings to the objective of 'Building Design,' and the dominance of hard surfaces. Council has limited scope in its policy to address this at this time.

Sustainable Development

VC216 was gazetted on 8 July 2022 to form part of all Planning Schemes in Victoria by making changes to the Planning Policy Framework to support Environmentally Sustainable Development (ESD) at the building scale in clause 15 Built environment objectives. New and amended strategies relating to energy performance, waste and recycling, water management, cooling and greening, and a new policy document have been incorporated into the scheme.

The proposal is accompanied by a Sustainability Management Plan which promotes certain commitments of the project on sustainability measures consistent with the PPF objectives. The proposal seeks to balance the relatively poor ESD performance of individual dwellings with a neighbourhood level approach. On balancing the response, it is considered that the neighbourhood approach to ESD is an acceptable alternative for a residential village provided minor amendments to the internal amenity of dwellings can be implemented. The Sustainable Management Plan has been reviewed by Council's Climate change and Sustainability Officer who has not raised any significant issues with the response provided.

Zone Assessment

Clause 32.08 – General Residential Zone

The purpose of the General Residential Zone is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To encourage development that respects the neighbourhood character of the area.*
- *To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.*
- *To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.*

The General Residential Zone does not contain any specific guidelines or application requirements for residential villages. The relevant consideration is whether the use and development are consistent with the purpose of the zone and the PPF.

Residential village is a type of residential use anticipated and encouraged by the general residential zone.

The PPF does not identify a preferred or established neighbourhood character for Cowes but does identify the site of this proposal as a 'development opportunity' with incremental change.

The applicants have presented a neighbourhood character assessment which accurately describes the surrounding area. The proposal is considered to respect that neighbourhood character while delivering an alternative form of accommodation to the existing urban structure of Cowes (an incremental change).

The location of the restricted communal facility is appropriate with regard to the quantity and constraints of dwellings likely to be positioned on the land.

Overlay Assessment

Clause 42-02 – Vegetation Protection Overlay ‘Phillip Island’

The purpose of the Vegetation Protection Overlay is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To protect areas of significant vegetation.*
- *To ensure that development minimises loss of vegetation.*
- *To preserve existing trees and other vegetation.*
- *To recognise vegetation protection areas as locations of special significance, natural beauty, interest, and importance.*
- *To maintain and enhance habitat and habitat corridors for indigenous fauna.*
- *To encourage the regeneration of native vegetation.*

The land is contained in Schedule 2 ‘Phillip Island’ which has the objective to *protect and enhance existing indigenous and larger native species within the urban area of Phillip Island.*

The trees and vegetation proposed for removal have been considered in the context of the Municipal Planning Strategy and the Planning Policy Framework.

The applicant’s proposal has been designed around existing vegetation where possible limiting removal to a cluster of trees and shrubs at the central access point and the scattered trees which abut the farm dam. The remaining trees scattered throughout the paddock have been identified as environmental weeds not requiring a permit.

The retention of the dam and the trees around the dam are impractical when considered against the proposed development. It is considered that with the current plans before Council these trees would be compromised by proximity to development if there was an attempt to retain them. These trees have been factored into the offset requirements for native vegetation removal.

The combined information in the report by Arbicon and that of Ecology Heritage Partners demonstrate a satisfactory assessment of the vegetation present and the impact of its removal.

It is considered that the removal of the native trees from the dam area and vegetation to provide for the proposed access will not affect the long-term viability of vegetation on the roadside or make a significant impact to the hydrological conditions.

Particular Provisions Assessment**Clause 52.02 – Easements, restrictions, and reserves**

The application triggers a planning permit pursuant to clause 52.02 as the application seeks to remove or relocate easements in favour of external authorities which affected one part of the land.

Westernport Water was notified and provided their consent to the removal of the easements advising that no assets were present.

Ausnet Electricity Services and APA Gas Services were also notified of the proposal to ensure no other easements – implied or otherwise – were of interest to the relevant authorities.

Clause 52.02 has the purpose to enable the removal and variation of an easement or restrictions to enable a use or development that complies with the planning scheme after the interests of affected people are considered.

The views of all parties affected by the expungement of easements present on title and affected by the proposal have been considered and no concerns were raised.

There are no issues with the permission being sought to remove the easements.

Clause 52.05 – Signs

Pursuant to Clause 32.08-14 the proposal is within a High Amenity Area (Cat.3) of the advertising controls as set out in Clause 52.05. The key considerations for the signage proposed are:

- *The character of the area.*
- *Impacts on views and vistas.*
- *The relationship to the streetscape, setting or landscape.*
- *The impact of structures associated with the sign.*

The proposed signage is assessed against the above guidelines below:

- The residential areas abutting Settlement and Church Road are generally free of business advertising. Entrance treatments to existing subdivisions have been integrated into the landscape design, feature public art and natural materials.
- Existing business identification on Settlement Road is small and unobtrusive.
- The proposed entrance signs would not interfere with any significant views from Settlement Road and the use of corten steel (which has a rust appearance) is consistent with feature entries, artwork, business, and property identification used on Phillip Island.
- The signs position being set behind a low stone wall with an area of visual clearance highlights the signage and creates a small ‘dead space.’ This is of little concern to the overall composition.
- Material details of the dead-space and the low stone wall have not been provided and will need to respond to the natural context in a conditional submission.

- Exact dimensions have not been provided; dimensions of the sign have been estimated (calculated) using council software at approximately 4m² each (total 8m²). The sizing of the signage is significant – especially in its tandem arrangement across the entrance and is inconsistent with a streetscape in which signage is not a prominent feature.
- There is no real ‘need’ to advertise or identify the property as the entrance is substantial and separated from other entrances and roadways on Settlement Road by over 100m. The nature of a gated community is that customers to the business are most likely residents.

A single entrance sign of the scale proposed would be more than sufficient to inform attendants that they have successfully arrived at their destination, however a reduction in the size and contrast of the sign would reduce the impact.

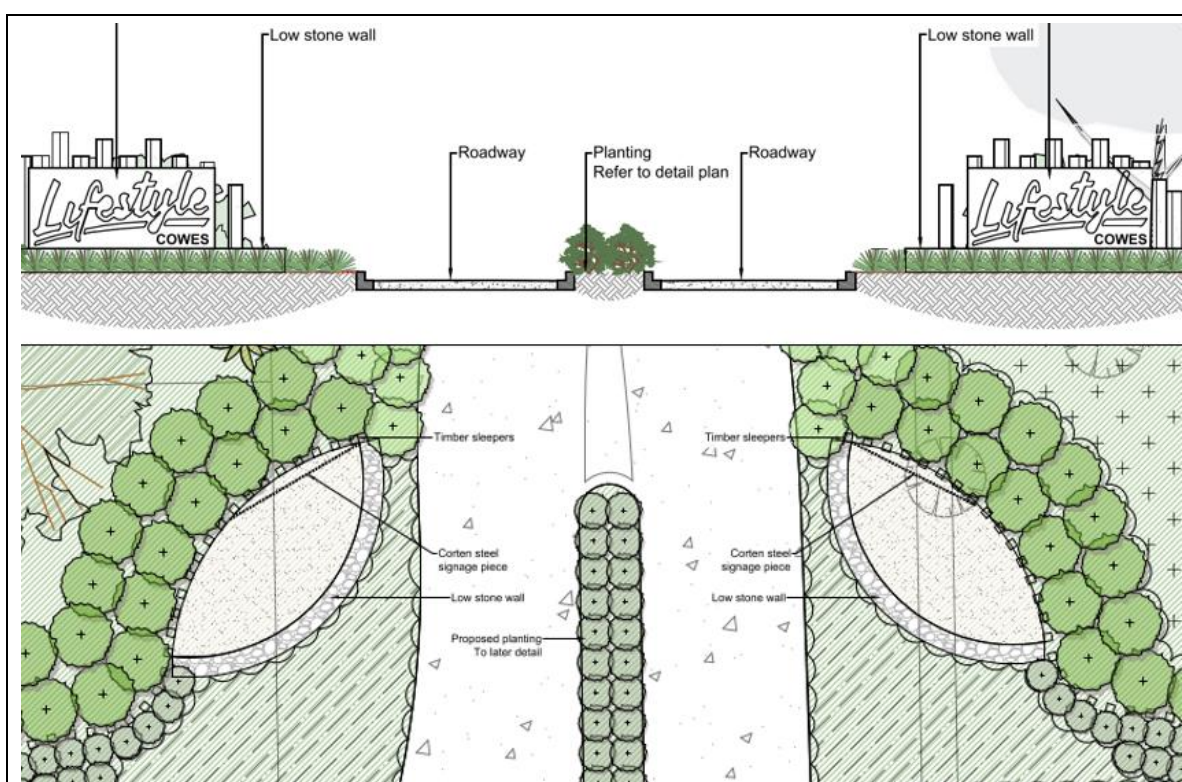


Figure 9 – Proposed Signage by John Patrick Landscape Architects

Clause 52.06 – Car Parking

Clause 52.06-1 applies to:

- a new use; or
- an increase in the floor area or site area of an existing use; or
- an increase to an existing use by the measure specified in Column C of Table 1 in Clause 52.06-5 for that use.

Pursuant to Clause 52.06-5 a proposed residential village must provide:

- 1 parking space for each one or two bedroom dwelling
- 2 parking spaces for each three or more bedroom dwelling

- 1 parking space for visitors for developments of 5 or more dwellings (56 spaces)

No reduction to the car-parking rate has been sought by this application on the following basis:

- Each dwelling will provide sufficient parking space in response to the dwelling type and lot sought.
- The community facility has been provided with 20 visitor parking spaces with any other visitation being easily accommodated by the internal street network.

The plans provided with the application demonstrate that each dwelling type easily accommodates a single parking space compliant with the design standards. The plans do not demonstrate that the tandem parking spaces are provided wholly within the curtilage of each dwelling. A condition will be necessary to ensure that to ensure vehicles will not compromise the access ways within the development.

The provision of visitor parking spaces has not been illustrated in a way that shows all visitor spaces. This is considered to be acceptable as the access ways themselves will be of sufficient dimension to provide visitor parking to one side while maintaining adequate clearance for emergency vehicles across the whole of the land.

Conditions can ensure that parking is limited to one side to maintain clearance for waste and emergency vehicles.

Clause 52.17 – Native Vegetation

Clause 52.17 seeks to ensure there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation. This is achieved by applying the following three step approach in accordance with the *Guidelines for the removal, destruction or lopping of native vegetation* (Department of Environment, Land, Water and Planning, 2017).

- Avoid
- Minimise
- Offset

The application triggers a planning permit pursuant to clause 52.17, to remove, destroy or lop native vegetation. The subject land is mapped with native vegetation and Endangered Ecological Vegetation Class (EVC 53 Swamp Scrub & EVC 55 Plains Grassy Woodlands).

Ecology and Heritage Partners has been engaged to prepare a vegetation assessment for the proposed development. Their assessment determined that the application would follow the intermediate pathway assessment and was relied upon when considering the proposed vegetation removal.

A total of 0.070 hectares of native vegetation proposed to be removed, consisting of two small, scattered trees and a small area of Swamp Scrub at the Settlement Road entrance. In accordance with DEWLP Guidelines for the removal, destruction or lopping of native vegetation 2017, the offset requirement for native vegetation removal is 0.012 General Habitat Units.

The application has been considered against the decision guidelines of Clause 52.17 and it is considered that the loss of native vegetation is appropriate for the following reasons:

The removal of remnant native vegetation has been minimised through the use of a single access way, locating reserves in abuttal to open space and through a thorough assessment of the vegetation by qualified arborists.

The proposed landscaping measures if implemented would result in a substantial increase in the diversity and quantity of vegetation across the site.

The proposed removals can be adequately offset through the Native Vegetation Offset Broker Scheme, and this will be achieved through conditions on any permit issued.

Clause 53.18 - Stormwater Management in Urban Development

The application was accompanied by a Stormwater Management Strategy which has been reviewed by Council Engineers and referred to Melbourne water. Broadly the report addresses the requirements of Council and the objectives of Clause 53.18 and summarised below in response to the relevant objectives.

Clause 53.18-5 contains the stormwater management objectives for buildings and works which are:

- *To encourage stormwater management that maximises the retention and reuse of stormwater.*
- *To encourage development that reduces the impact of stormwater on the drainage system and filters sediment and waste from stormwater prior to discharge from the site.*
- *To encourage stormwater management that contributes to cooling, local habitat improvements and provision of attractive and enjoyable spaces.*
- *To ensure that industrial and commercial chemical pollutants and other toxicants do not enter the stormwater system.*

A large 900kL tank is to be installed on in the south west corner of the site to capture stormwater from the catchment. This will then be re-used for irrigation of open spaces, nature strips and frontages of the entire site.

The tank provides 70% of the total irrigation demand for the site, reducing potable water use by 7,662kL per year.

Stormwater discharge has been retarded back to existing flows by utilising underground tanks to provide storage at the outlet and has been designed to meet the current best practice performance objectives for stormwater quality as contained in the *Urban Stormwater - Best Practice Environmental Management Guidelines* (CSIRO, 1999).

Clause 53.18-6 contains site management objectives which are:

- *To protect drainage infrastructure and receiving waters from sedimentation and contamination.*
- *To protect the site and surrounding area from environmental degradation prior to and during construction of subdivision works.*

Construction can often produce higher pollutant loads in stormwater runoff, and in particular will see a higher presence of sediment loading and erosion. It is important that measures are undertaken to mitigate these risks and prevent damage to receiving waterways.

In order to provide controls on site during construction, a Site Environment Management Plan will need to be produced, approved by Council and implemented by the contractor.

Concerns Raised by Submitters

The following table summarises submissions into themes and provides a discussion on planning merit:

Submitter Theme	Council Officer Response
The proposed entrance on Settlement Road will affect the amenity of dwellings opposite.	<p>There is no doubt that the location of any road or private access point opposite a dwelling will change the amenity enjoyed by a resident.</p> <p>The location for this access point was created 'on paper' in 1952 by instrument 2535303. The proposal is utilizing the existing reserve set aside as 'Solent Street' on Title plan 839565H for the purpose of access to the proposed development.</p> <p>The proposed access point is therefore considered to be justified and more reasonable than establishing a new location where no expectation of a road was known, anticipated, or identified in any plan.</p>
The entrance should match the address of the property and be on Church St.	The address of the property is not a relevant consideration for land with multiple street frontages.
Loss of open-field views	<p>The subject site is located well within township boundaries and identified as an infill development opportunity in the Bass Coast Planning Scheme.</p> <p>The Victorian Civil and Administrative Tribunal has on a number of occasions deliberated on the issues of views and has generally found that there is no legal entitlement to a view.</p> <p>The land is not affected by any specific overlay that would allow consideration of views in this instance or identify the land as significant.</p>
Hours/noise from construction	<p>Noise and truck movements during the construction of development are a temporary and unavoidable consequence and not justification to withhold development of the site.</p> <p>Construction techniques and effects will be managed by the contractor with an Environmental Management Plan prepared in accordance with EPA guidelines.</p>

Submitter Theme	Council Officer Response
Overdevelopment	Residential villages are a different - legitimate form of permanent accommodation. The site has been identified as a development opportunity where alternative forms of development can be considered.
Strain on infrastructure	<p>This application was referred to utility and service providers and no concerns were provided.</p> <p>The permit holder will be required to address infrastructure servicing demands of the various service agencies when seeking connection to their networks.</p> <p>Amended plans submitted in September have increased the amount of open space available to residents which should reduce demand on other local parks in the vicinity.</p>
Issues with the data and justifications of One Mile Grid including study timing, comparative data, parking, and frequency expectations.	Concerns regarding traffic distribution and comparison data have been resolved by the applicant. Despite the amended details, the changes have not warranted alteration to proposed access arrangements.
Object to the removal and destruction of the farm dam currently on the property including faunal displacement	ArborCon Consulting and Ecology Heritage Partners conducted field investigations of the property and its surrounding native vegetation. No biodiversity significance was attributed to the agricultural dam.
The development does not respect the neighbourhood character of the area.	<p>The applicants have prepared a substantial neighbourhood site and context description which provide a fair assessment of the surrounding context.</p> <p>The proposal is for a different kind of permanent accommodation which by its nature presents an internal development form which is not consistent with the existing neighbourhood character of privately owned properties.</p> <p>It is considered that the high site coverage, high density, and the proximity of dwellings to each other are not elements that respond well to the neighbourhood character identified in the character description, however;</p> <p>The proposal is sympathetic to the existing context by retaining the existing streetscape setting to the maximum extent thus minimizing change at street level. It is further observed that there are nearby caravan parks which impact the consistency of the local character.</p>

Submitter Theme	Council Officer Response
The quantity of dwellings proposed	The quantity of dwellings is not considered to be of particular concern. Growth is encouraged within the township boundaries and higher densities are supported in areas with existing infrastructure.
Lack of green space and vegetation and gardens in private yards.	<p>The multiple communal open spaces and gardens within walking distance of the dwellings are reasonable substitutes for larger private garden areas and are more likely to be retained in the long term.</p> <p>The proposal will likely provide for a better landscape and garden outcome than would be achieved by a conventional subdivision.</p>

Clause 65

The provisions of the relevant zone, overlays and particular provisions have been considered in the assessment of this application. It is considered that the proposal is generally consistent with the planning controls that apply to the land. All objections and other submissions have been considered as have the decisions and comments of referrals authorities.

The provisions of the General Residential Zone and the tools of the planning scheme provide no guidance on the appropriateness of a proposed residential village. Prior to making a decision - key aspects of the proposal should be acknowledged for the benefit of the decision maker and for the applications of certain conditions.

Municipal planning strategy sets out the strategic direction of council with respect to certain matters. At clause 02.03-5 Built environment and heritage Council seeks to:

- *Encourage buildings and public spaces that are environmentally, economically, and socially sustainable.*
- *Support building design that complements its setting.*
- *Support environmentally sustainable development and seek to maximise energy, water and natural resource efficiency in the construction and operation of buildings.*

The proposal intends to address the above through a neighbourhood-based approach described in the Sustainability Management Plan by including:

- *Energy efficient fittings and lighting in community facilities.*
- *Neighbourhood scale solar PV system combined with a community battery.*
- *The village will reduce the amount of non-permeable area across the site, increasing landscaping and overall greenery while reducing concrete/hard surfaces.*
- *Dwellings will all have a high Solar Reflective Index (SRI) roof colour, which will reduce the amount of heat the development will retain from the sun.*

- *Several sustainable alternatives to travelling have been implemented. These include a communal Electric Vehicle (EV), a community bus, designated walking circuits, EV charging options for dwellings, electric bicycle and EV charging stations and connection to the local bicycle network.*
- *Undercover outdoor charging for electric cycles will be included, to promote use of personal electric transport by residents within and outside the community.*
- *Communal library and tool shed.*

While some commitments are recommended to be secured through conditions - many of the commitments have no tangible measure of performance and as such, meeting the objectives cannot be guaranteed by a condition.

The development is to provide permanent accommodation in dwellings. However, the classification of the dwellings as moveable, means the building regulations that apply to permanent buildings do not apply to dwellings within the residential village. This raises concerns about the energy efficiency of the dwellings.

The requirements of the *Residential Tenancies (Caravan Parks and Moveable Dwellings Registration and Standards) Regulations 2020* (the Regulations) are significantly less than the energy efficiency requirements of the Building Code of Australia which requires a 6 star energy rating or other demonstrated compliance with prescribed measures. The requirements that will be imposed on the movable dwellings in regard to energy efficiency do not respond well to policy that calls for sustainable and energy efficient building design, nor do they contribute positively to affordability in terms of ongoing cost.

To address the costs and sustainability of individual dwellings the communal approach listed earlier has been proposed. While this does not directly address the concern with individual dwellings it allows for personal choice in the design and orientation of dwellings by customers while compensating at a communal level any deficiency in efficiency as a result of those choices.

Communal facilities (clubhouse)

The proposal provides for an architecturally designed clubhouse with communal facilities centrally located within easy walking access of all residents. The intention of this facility is well founded and well located. The design is attractive and suitable to the residential and coastal context.

Clause 19.02-4S calls for the design of community places and buildings so they can adapt as the population changes and different patterns of work and social life emerge.

It is the intention of the proposal to be marketed to and attract over 55s. The application is not exclusive to over 55s and it is reasonable to expect that other members of the community may express interest in the alternative housing options available. Younger single residents or residents with families are not sufficiently serviced by the provision of facilities within the village.

The clubhouse does not provide adaptability or include any substantial flexible use spaces as each area is dedicated to a particular function. To balance this, an amended proposal illustrates a park of approximately 4000m to accommodate open space and flexible recreational needs.

Waste Management

The Village Operator has nominated in the submitted Waste Management Plan that waste be collected by way of a Council collection service on a weekly basis and can functionally service the site by demonstration of vehicle sweeps.

The application has been referred to Councils waste team who have advised that Councils waste collection service presently cannot service the proposed development and private contractors will be required to manage waste from the facility in accordance with a Waste Management Plan and Sustainability Victoria best practice measures.

Conclusion

On balance, having regard to the range of matters considered, the proposal is considered to be acceptable.

It is recommended that Council resolve to issue a Notice of Decision to Grant a Planning Permit for planning application 210377 subject to conditions.

Recommendation

That in relation to planning permit application 210377 for use and development of a residential village, removal of vegetation including native vegetation pursuant to Clause 52.17, the removal of easements from LP13106 and TP839565H and the display of business identification signage, located at 299 - 325 Church Street and 9 Spithead Street, Cowes Council resolves to issue a Notice of Decision to issue a planning permit subject to the following conditions:

Amended plans required

- I. Before the development commences, amended plans drawn to scale with dimensions must be submitted to and approved by the responsible authority. The specified plans must be generally in accordance with the plans submitted but modified in the following way.**
 - a) Amended Village Masterplan**
 - i. The plan must show the internal road network, areas set aside for communal facilities, external pedestrian linkages.**
 - ii. The layout of internal roads and residential clusters may be varied provided the requirements of this condition are met and the location of communal facilities including open spaces are not altered.**
 - iii. The plan must provide for a buffer from all boundaries including that with the un-made Bella Vista Road which will prevent a major encroachment into the tree protection zones nominated by ArborCon in their 2020 report.**
 - iv. Clearly illustrate the 2m buffer required by MCP: AA7578.**
 - v. Identify the location of any relevant measures required by the Sustainability Management Plan.**

- vi. Identify the location of the managers residence
- vii. Name each accessway in accordance with the requirements of Geographic Names Victoria.
- b) Amended Landscape Masterplan in accordance with condition 2
- c) Clubroom plans in accordance with condition 3.
- d) Waste Management Plan in accordance with condition 4.
- e) Sustainability Management Plan implementation plan in accordance with condition 5.

All to the satisfaction of the responsible authority. When approved, the plans will be endorsed and will then form part of this Permit.

2. The use and development as shown on the endorsed plans must not be altered without the written consent of the responsible authority.
3. Concurrent with the submission of plans required by Condition 1 and before the commencement of buildings and works an electronic copy of a Landscape Plan (drawn to scale with dimensions) to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. The Landscape Plan must be generally in accordance with the landscape concept plan submitted with the application prepared by John Patrick Landscape Architects except that the plan must show:
 - a) Any design changes required to accommodate a response to Condition 1;
 - b) Identify the location of any relevant measures required by the SMP.
 - c) A 100% incorporation of native indigenous species within common areas (excluding community gardens) selected from Plains Grassy Woodlands EVCs 55 and 175 as described in 'Indigenous plants of Bass Coast Shire' document;
 - d) Reduce the size of the business identification signs to be subservient to landscaping and integrate with a non-illuminated public art feature/s;
 - e) Include on separate sheet/s a detailed plan for each accessway identified in the village masterplan and in that plan:
 - i. Provide a typical cross section illustrating typical canopy coverage and root growth at 5 and 10 years, dimensions between canopy tree plantings and the private road and infrastructure network, the recommended position of dwellings to allow for appropriate growth.
 - ii. Provide a plan for the accessway showing typical garden planting measures and a schedule of varieties and average quantities.
 - iii. Provide a maintenance plan including the recommended health checks for canopy trees and ULE replacement.

When approved, the plan will be endorsed and will then form part of the permit.

4. Concurrent with the submission of plans required by Condition I and before the commencement of buildings and works an electronic copy of the clubrooms plans (drawn to scale with dimensions) to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. The club rooms must be generally in accordance with the concept plan submitted with the application dated September 2021 prepared by DKO Architecture except that the plan must:
 - a. Be informed by and responsive to, an accessibility report;
 - b. Show all elevations to AHD in all perspectives.
 - c. Show any cut and fill required.
 - d. Show contours across the site to AHD.
 - e. Annotate any matter which is a response to the SMP.
 - f. Remove the co-location of bin enclosure within the kitchen and provide for a separate enclosure with good ventilation, accessibility for collection and movement of staff.
 - g. Annotate on the plans where appropriate the dimensions of rooms, hallways, doors, and parking spaces.
 - h. Show the dimension of sporting/recreational facilities provided and annotate whether this meets the accepted standards for that activity.
 - i. Demonstrate that external lighting is appropriately focussed and baffled to prevent light spill.
5. Concurrent with the submission of plans required by Condition I and before the commencement of buildings and works an electronic copy of a Waste Management Plan must be prepared to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. The Waste Management Plan must include:
 - a. Waste generation
 - b. Waste systems to best practice measures:
 - I. Verify that all waste streams can be accommodated including any associated equipment for moving bins (ie 1,100 Litre bins)
 - II. How hard waste is to be handled from storage area to collection and disposal.
 - III. Bin location, type, collection frequency, quantity, size and colour;
 - c. Sufficient space within storage area that allows for bin rotation and safe service provision
 - d. Cardboard, glass and e-waste storage arrangement.
 - e. Bin wash down area and the wash down water discharge to sewer.

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- f. **Additional waste requirements**
 - I. **Plan showing ALL waste stream final disposal points**
 - II. **Waste infrastructure.**
 - III. **Clear diagram of waste movement.**
 - IV. **Swept path diagrams illustrating access for collection vehicles in the service road.**
 - g. **A requirement that the waste management plan will be reviewed and updated at scheduled intervals to meet best practice measures,**
 - h. **Provide a list of private contractors which can service the development in accordance with the WMP**
6. **Concurrent with the submission of plans required by Condition I and before the commencement of buildings and works an electronic copy of a sustainability implementation plan/audit to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. The implementation plan must accord with the Sustainability Management Plan (SMP) submitted with the application prepared by Hip V Hype in October 2021 and specify:**
- a. **How each commitment under the SMP has been met.**
 - b. **Where a commitment is tied to a future date, specify the date at which the commitment will be met.**
 - c. **Clearly identify which plan/document or part of plan or document demonstrates the implementation of the SMP.**
 - d. **Where a measure has not been provided, a relevant equivalent best practice measure (BPM) must be identified and achieved.**
7. **Within 6 months of the completion of a road, building, access path or communal area within the next applicable planting season, whichever is the earlier; the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the responsible authority. The landscaping must thereafter be maintained to the satisfaction of the responsible authority, including that any dead, diseased, or damaged plants are to be replaced.**
8. **Prior to the use commencing or the construction / placement or excavation of land encumbered by an easement (whichever is to occur first). A plan of consolidation and easement removal must be lodged with the responsible authority for Certification under the Subdivision Act 1988 and upon receiving Statement of Compliance must be registered with the titles office without delay.**
9. **Prior to the use or occupation of a dwelling, the dwelling must be connected to a telecommunications network, the stormwater management system, electricity, sewer, and water services.**

10. Functional Layout Plan

Before the commencement of any works onsite and prior to endorsement of the civil design plans, a functional layout plan must be submitted to and approved by the responsible authority. When approved the functional layout plan will be endorsed and will then form part of the permit. The functional layout plan must be drawn to scale with dimensions. An electronic copy (PDF) must be provided. The functional layout plan must be generally in accordance with the application plans but incorporate the following:

- a. A plan view layout drawn to scale, including proposed buildings, streets, and reserves.**
- b. Topography and existing features, including contours for the subject land and any affected adjacent land.**
- c. The location of all trees (or group of trees) existing on the site, including dead trees and those that overhang the site from adjoining land.**
- d. Details of tree protection zones for all trees to be retained on site.**
- e. Any trees proposed for removal from the site clearly designated.**
- f. Typical cross-sections for each street type, dimensioning individual elements and services offsets.**
- g. Swept turning paths through bends & intersections for an 8.8m service vehicle.**
- h. A table of offsets for all utility services and street trees.**
- i. Location and alignment of kerbs, indented parking spaces, footpaths, shared paths, bus stops and traffic controls/calming.**
- j. The proposed minor drainage network and any land required for maintenance access.**
- k. The major drainage system, including any watercourse, lake, wetland, silt pond, and/ or piped elements showing preliminary sizing.**
- l. Overland flow paths (1% AEP) to indicate how excess runoff will safely be conveyed to the proposed retardation devices.**
- m. Drainage outfall system (both interim and ultimate), indicating legal point of discharge and any access requirements for construction and maintenance.**
- n. Preliminary location of reserves for electrical kiosks.**
- o. Works external to the site, including footpath linkages to the bus stop on Justice Road, the beach down Bellavista Road and along Church Street frontage.**
- p. Intersections with Church Street and Settlement Road.**
- q. Road layout to provide efficient and safe traffic flow throughout the development site.**

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- 11. Before the commencement of any construction works onsite, detailed civil construction plans must be prepared to the satisfaction of the Responsible authority for endorsement by the Responsible authority. All construction plans submitted for approval must be consistent with this permit and must conform with the requirements of all relevant servicing and road authorities. The plans must be drawn to scale with dimensions. An electronic copy (PDF) must be provided. The plans must show:**
- a. Drainage of the subject land, including levels or contours of the land (including relevant external catchments) and all hydraulic computations. The drainage plan must be prepared in accordance with the Stormwater Strategy prepared by KLM Spatial (Revision E 8/04/2022) and also the requirements of the Infrastructure Design Manual (IDM) as amended. The drainage plans must provide for the following:**
 - i. How the land including all buildings, open space and paved areas will be drained for a 20% AEP & 1 % AEP storm event to the legal point of discharge.**
 - ii. An underground pipe drainage system conveying stormwater to the legal point of discharge and connecting into Bass Coast Shire Council's stormwater drainage system.**
 - iii. The provision of a drainage retardation system within the site and prior to the point of discharge into Bass Coast Shire Council's drainage system. The stormwater retardation system must be designed to ensure that stormwater discharges arising from the proposed development of the land are restricted to pre-development flow rates for storm events up to and including the 20% & 1% AEP. The retardation system must be maintained during the maintenance period to the satisfaction of the Responsible authority.**
 - iv. Provision of over-land surcharge routes for all storm events up to and including the 1% AEP. This must include infrastructure for the safe and effective passage of stormwater flows arising from areas upstream of the subject land discharging into Bass Coast Shire Council's drainage system.**
 - v. Compliance with Melbourne Water floodway safety criteria at points of discharge in Council Road reserves for the 1 % AEP storm event post-development.**
 - vi. Compliance with the Best Practice Environmental Management Guidelines for Urban Stormwater including any quality treatments proposed in accordance with these Guidelines and the Bass Coast Planning Scheme.**
 - b. Vehicle and pedestrian access and car parking to the satisfaction of the responsible authority, including:**
 - i. Engineering plans and specifications of intersections with public roads, footpaths, and pedestrian linkages.**

- ii. All roads to be constructed of a pavement with a sealed wearing course.
- iii. Intersection treatments, including service vehicle turning paths.
- iv. A 1.5m wide concrete footpath linking to the subject site to the beach along Bellavista Road, including all necessary pram crossings.
- v. A 1.5m wide concrete footpath along the site frontage for the full length of Church Street frontage.
- vi. A Pram crossing to provide footpath connection from the site to existing footpath on Settlement Road.
- vii. A Footpath connection to the bus stop on Justice Road.
- viii. Bollards must be provided to prevent direct vehicle access to open space reserves from Council Road reserves other than any proposed maintenance/emergency access.
- ix. Street lighting required for the intersection to Australian standards.

All works must be constructed or carried out in accordance with these plans.

12. Before commencement of any earthworks onsite, a Construction Management Plan (CMP) must be prepared to the satisfaction of the Responsible authority for endorsement by the Responsible authority. The plans must be drawn to scale with dimensions. An electronic copy (PDF) must be provided. The plan must address, but not be limited to following:

- a. Address occupational health and safety, traffic management, environmental controls, and cultural protection measures to the satisfaction of the responsible authority.
- b. Include the proposed route for construction vehicle access to the site including a program for the upgrade and maintenance works required along this route while works are in progress.
- c. Include measures to reduce the impact of noise, dust and other emissions created during the construction process.
- d. Demonstrate all environmental and cultural protection measures identified on a drawing(s) drawn to scale and prepared in accordance with Melbourne Water standards for such drawings.
- e. Measures to ensure that no mud, dirt, sand, soil, clay, or stones are washed into or allowed to enter the storm water drainage system.
- f. Include means by which foreign material will be restricted from being deposited on public roads by vehicles associated with the building and works on the land to the satisfaction of the responsible authority.

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- g. Address any recommendations of any approved Cultural Heritage Management Plan applying to the land.**
 - h. Identify the location and method of any Tree Protection Zones.**
 - i. All machinery bought on the site must be weed and pathogen free.**
 - j. A truck wheel-wash must be installed and used, or a similar arrangement employed so vehicles leaving the site do not deposit mud or other materials on roadways. All machinery wash down, lay down and personnel rest areas must be clearly fenced and located in disturbed areas.**
 - k. Contractors working on the site must be inducted into an environmental management program for construction works.**
 - l. Best practice erosion and sediment control techniques must be used to protect any native flora and fauna.**
 - m. Appropriate mechanisms for protecting environmental and heritage assets during the construction phase of subdivision.**
 - n. landscaping, re-vegetation and construction works carried out on the site must be supervised by a person with recognised environmental qualifications.**
 - o. hours of construction work. The CMP must provide that such hours are to be 7.00am to 6.00pm Monday to Friday and 7.00am to 1.00pm Saturday, with no construction on Sunday or public holidays. The CMP must provide that the hours of construction from Monday to Saturday (inclusive) may be extended with the consent of the responsible authority provided all adjoining residents are notified prior to the extended hours of construction. All deliveries, unloading and collection of materials associated with the construction phase of the development must occur within the hours of construction work, unless further permission is given in writing by the responsible authority.**
 - p. location of the construction worker's compound. The compound must be located a reasonable distance from any neighbouring residence to minimise amenity impacts. The compound must be used for the storage of building materials, parking for construction workers and as the location for the site offices and amenities.**
 - q. management of all building and construction waste, including any measures to recycle materials generated during construction.**
 - r. locations of cut and fill stockpiles.**
 - s. the gravel and any other approved soil-derived material used in the construction of pedestrian links and paths must be guaranteed Phytophthora free.**
 - t. a liaison officer for contact by residents and the responsible authority in the event of relevant queries or problems experienced.**

- u. timing of bulk earth works. The **CMP** must detail conditions that will cause bulk earth works to be suspended (for example after significant and prolonged rain event).
- v. reporting requirements to demonstrate compliance with the latest revision of the following documents:
 - i. **EPA guidelines for Major Construction Sites and Techniques for Sediment Pollution Control** and other provisions of the approved **EMP**.
 - ii. **Best Practice Environmental Management Guidelines for Urban Stormwater**.
 - iii. **Environmental Guidelines for Urban Stormwater (EPA Publication)**
 - iv. **Construction Techniques for Sediment Pollution Control (EPA Publication)**

The **Construction Management Plan**, once endorsed, will form part of the permit. All works constructed or carried out must be in accordance with the approved **Construction Management Plan**. All care must be taken to minimise the effect of construction activity on the amenity of the surrounding neighbourhood. Once endorsed the **Construction Management Plan** must not be altered except with the written consent of the Responsible authority.

- 13. Before the occupation of the development, all works must be completed in accordance with the conditions and endorsed plans to the satisfaction of the Responsible authority including:
 - a. All roads, paths, drainage, open space, and other infrastructure in accordance with the endorsed civil design plans.
 - b. redundant infrastructure on road reserves must be removed and the area reinstated to the satisfaction of the Responsible authority including appropriate kerbing and channelling, footpath, and landscaping.
 - c. street lighting must be provided in accordance with Australian Standards (eg: **AS1158.3.1**)
 - d. all landscaping works in accordance with the endorsed landscape plan.
- 14. Before the occupation of the development, the following must be provided to the responsible authority. Copies of the “as constructed” engineering footpaths, drainage drawings as Collated electronic **PDF** format.
- 15. All public works delivered with the development must be maintained for defects to the satisfaction of the Responsible authority until asset ownership handover in accordance with the **IDM**

Health Department conditions.

- 16. Before the development starts, an application must be made to Council's Environmental Health Department for the Registration of a Caravan Park under the provisions of the Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010.**
- 17. Before the development is occupied, reticulated sewerage must be provided to each lot and any existing buildings must be connected to the reticulated sewerage system to the satisfaction of the Responsible authority.**
- 18. An application must be made to Council's Health Department for Registration of a Food Premises under the provisions of the Food Act 1984.**

Vegetation removal conditions

- 19. To offset the removal of 0.070 hectares of native vegetation the permit holder must secure a native vegetation offset, in accordance with the permitted clearing of native vegetation - Biodiversity Assessment Guidelines (DEPI 2013) and Native Vegetation Scoring Manual (DEPI) as specified below:**
 - a. A general offset of 0.012 general biodiversity equivalence units with the following attributes:**
 - b. Be located within the Port Phillip and Westernport Catchment Management Authority boundary or Bass Coast Shire municipal district**
 - c. Have a strategic biodiversity score of at least 0.146**
- 20. Before any native vegetation is removed, evidence that the required offset for the project has been secured must be provided to the satisfaction of the Responsible authority. The offset evidence must be:**
 - a. A security agreement signed by both parties, to the required standard, for the offset site or sites, including a 10-year offset management plan; or**
 - b. An allocated credit extract from the Native Vegetation Credit Register**

A copy of the offset evidence will be endorsed by the Responsible authority and form part of this permit.

Department of Transport conditions

- 21. Before the development starts, or other time agreed in writing with the Head, Transport for Victoria, amended plans to the satisfaction of the Head, Transport for Victoria must be submitted to and approved by the Responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the plans submitted with the application but modified to show the South bound bus stop on**

Justice Road upgraded to include:

- a. **All access paths and paved surfaces to be a minimum width of 1.2m and to align with the entrance and exit points of the bus stop,**
- b. **Pedestrian foot path connecting the bus stop to the nearby footpath at the roundabout corner,**
- c. **9.2 metre long kerbing abutting Justice Road edge for upgraded bus stop,**
- d. **Concrete bus stop hard stand including post, flag, and tactile ground surface indicators (cut into the ground and based upon standard drawings STD_0064, STD_S0062, STD_S0063 and Bus Stop Guidelines Feb 2006),**
- e. **Bus shelter, associated seating (based upon standard drawings STD_S0069) inplan and cross section form and**
- f. **Allocated space for wheelchairs within bus shelter,**
- g. **Designed to comply with the Disability Standards for Accessible Public Transport 2002 Act.**

Note: Any plan prepared must depict the location of the bus stop, pole, concrete hard stand area for passengers, shelter, tactile indicators, and distances to any infrastructure (electricity/light poles) and street trees. The plan will also need to depict the image of a stopped bus (with door locations marked).

- 22. Prior to the occupation of the development, all works outlined on the endorsed plans must be completed at no cost to and to the satisfaction of the Head, Transport for Victoria.**
- 23. Prior to occupation of the development, the Head, Transport for Victoria must be provided with GPS co-ordinates of the bus stop and high-resolution photos (300dpi) of the bus stop (streetscape perspective including the entire stop) to the satisfaction of the Head, Transport for Victoria.**
- 24. The permit holder must notify Department of Transport (DOT) a minimum of 8 weeks prior to any bus stop upgrade / or temporary relocation works approved under this permit. The permit holder must notify DOT by either calling 1800 800 007 or email customerservice@transport.vic.gov.au**
- 25. The permit holder must take all reasonable steps to ensure that disruption to bus operation along Church Street and Justice Road is kept to a minimum during the construction of the development. Foreseen disruptions to bus operations and mitigation measures must be communicated to Department of Transport eight (8) weeks prior by telephoning 1800 800 007 or emailing customerservice@transport.vic.gov.au**

Country Fire Authority conditions

26. The Residential Village Development must be provided with the following to the satisfaction of the CFA:

- a. Above or below ground operable hydrants must be provided. The maximum distance between these hydrants and the rear of all building envelopes (or in the absence of building envelopes, the rear of the lots) must be 120 metres and the hydrants must be no more than 200 metres apart. These distances must be measured around lot boundaries.
- b. The hydrants must be identified with marker posts and road reflectors as applicable to the satisfaction of the Country Fire Authority.

27. Roads must be constructed to a standard so that it is accessible in all weather conditions and capable of accommodating a vehicle of 15 tonnes for the trafficable road width.

- a. The average grade must be no more than 1 in 7 (14.4%) (8.1 degrees) with a maximum of no more than 1 in 5 (20%) (11.3 degrees) for no more than 50 meters. Dips must have no more than a 1 in 8 (12%) (7.1 degree) entry and exit angle.
- b. Curves must have a minimum inner radius of 10 metres.
- c. Have a minimum trafficable width of 3.5 metres and be clear of encroachments for at least 0.5 metres on each side and 4 metres above the access way.

28. This Permit will expire if:

- a) The development does not start within 3 years from the date of this Permit; and
- b) A plan of consolidation of all lots including the removal of easements is not registered at the titles office within 3 years from the date of this permit; or
- c) The development is not completed within 6 years of the date of this Permit; or
- d) The use has not commenced within 1 year of completion of the development.
- e) The use is discontinued for a period of 2 years or more.

The responsible authority may extend the time referred to in accordance with Section 69 of the Planning and Environment Act 1987

Permit Notes**A. Building permit may be required**

This permit does not constitute any authority to carry out any building works or occupy the building or part of the building unless all relevant building permits are obtained.

B. Planning Limitation

Nothing in the grant of this permit should be construed as granting any permission other than planning permission for the purpose described. It is the duty of the permit holder to acquaint themselves, and comply, with all other relevant legal obligations (including any obligation in relation to restrictive covenants and easements affecting the site) and to obtain other required permits, consents, or approvals.

C. Build Over Easement

Separate consent is required to build over the easement. It will be necessary to obtain consent from all relevant authorities prior to construction. Please note that consent may or may not be given, depending on specific site circumstances and conditions.

D. Retention of Existing Street Trees

Nothing in the permit hereby issued may be construed to allow the removal of damage to or pruning of any street tree without the further written consent of the Bass Coast Shire Council. Contact Council Arborists on BCOAST (226 278) or (03) 5671 2211 for further information.

E. ResCode (residential siting) not assessed

This permit application was not assessed against the provisions of Clause 55 of the Bass Coast Planning Scheme.

Attachments

AT-1	Neighbourhood Character Assessment by Mesh Planning	22 Pages
AT-2	Proposed Masterplan by Mesh Planning	1 Page
AT-3	Landscape Master Plan by John Patrick Landscape Architects	4 Pages
AT-4	Interface perspective images by Mesh Planning	4 Pages
AT-5	Sustainability Management Plan by Hip V Hype	24 Pages
AT-6	Club House floor plans by DKO Architecture	4 Pages
AT-7	Club House Renders	6 Pages
AT-8	Housing Design Suite by Lifestyle Communities	62 Pages
AT-9	Aborist vegetetation assessment by ArborCon	85 Pages
AT-10	Updated Biodiversity Assessment by Ecology and Heritage Partners	44 Pages
AT-11	Traffic Impact Assessment by One Mile Grid	21 Pages
AT-12	Waste Management Plan by KLM spatial	17 Pages
AT-13	Stormwater Management Strategy by KLM Spatial	30 Pages
AT-14	CONFIDENTIAL - Submissions	28 Pages

Council Decision

Moved: Cr. Ron Bauer / Seconded: Cr. David Rooks

That in relation to planning permit application 210377 for use and development of a residential village, removal of vegetation including native vegetation pursuant to Clause 52.17, the removal of easements from LP13106 and TP839565H and the display of business identification signage, located at 299 - 325 Church Street and 9 Spithead Street, Cowes Council resolves to issue a Notice of Decision to issue a planning permit subject to the following conditions:

Amended plans required

- I. Before the development commences, amended plans drawn to scale with dimensions must be submitted to and approved by the responsible authority. The specified plans must be generally in accordance with the plans submitted but modified in the following way.**

- a) Amended Village Masterplan**

- i. To demonstrate a maximum of 256 lifestyle units.**
- ii. The plan must show the internal road network, areas set aside for communal facilities, external pedestrian linkages.**
- iii. The layout of internal roads and residential clusters may be varied provided the requirements of this condition are met and the location of communal facilities including open spaces are not altered.**
- iv. The plan must provide for a buffer from all boundaries including that with the un-made Bella Vista Road which will prevent a major encroachment into the tree protection zones nominated by ArborCon in their 2020 report.**
- v. Clearly illustrate the 2m buffer required by MCP: AA7578.**
- vi. Identify the location of any relevant measures required by the Sustainability Management Plan.**
- vii. Identify the location of the managers residence**
- viii. Name each accessway in accordance with the requirements of Geographic Names Victoria.**

- b) Amended Landscape Masterplan in accordance with condition 2**

- c) Clubroom plans in accordance with condition 3.**

- d) Waste Management Plan in accordance with condition 4.**

- e) Sustainability Management Plan implementation plan in accordance with condition 5.**

All to the satisfaction of the responsible authority. When approved, the plans will be endorsed and will then form part of this Permit.

- 2. The use and development as shown on the endorsed plans must not be altered without the written consent of the responsible authority.**

3. Concurrent with the submission of plans required by Condition 1 and before the commencement of buildings and works an electronic copy of a Landscape Plan (drawn to scale with dimensions) to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. The Landscape Plan must be generally in accordance with the landscape concept plan submitted with the application prepared by John Patrick Landscape Architects except that the plan must show:
- a) Any design changes required to accommodate a response to Condition 1;
 - b) Identify the location of any relevant measures required by the SMP.
 - c) A 100% incorporation of native indigenous species within common areas (excluding community gardens) selected from Plains Grassy Woodlands EVCs 55 and 175 as described in 'Indigenous plants of Bass Coast Shire' document;
 - d) Reduce the size of the business identification signs to be subservient to landscaping and integrate with a non-illuminated public art feature/s;
 - e) Include on separate sheet/s a detailed plan for each accessway identified in the village masterplan and in that plan:
 - i. Provide a typical cross section illustrating typical canopy coverage and root growth at 5 and 10 years, dimensions between canopy tree plantings and the private road and infrastructure network, the recommended position of dwellings to allow for appropriate growth.
 - ii. Provide a plan for the accessway showing typical garden planting measures and a schedule of varieties and average quantities.
 - iii. Provide a maintenance plan including the recommended health checks for canopy trees and ULE replacement.

When approved, the plan will be endorsed and will then form part of the permit.

4. Concurrent with the submission of plans required by Condition 1 and before the commencement of buildings and works an electronic copy of the clubrooms plans (drawn to scale with dimensions) to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. The club rooms must be generally in accordance with the concept plan submitted with the application dated September 2021 prepared by DKO Architecture except that the plan must:
- a. Be informed by and responsive to, an accessibility report;
 - b. Show all elevations to AHD in all perspectives.
 - c. Show any cut and fill required.
 - d. Show contours across the site to AHD.

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- e. **Annotate any matter which is a response to the SMP.**
 - f. **Remove the co-location of bin enclosure within the kitchen and provide for a separate enclosure with good ventilation, accessibility for collection and movement of staff.**
 - g. **Annotate on the plans where appropriate the dimensions of rooms, hallways, doors, and parking spaces.**
 - h. **Show the dimension of sporting/recreational facilities provided and annotate whether this meets the accepted standards for that activity.**
 - i. **Demonstrate that external lighting is appropriately focussed and baffled to prevent light spill.**
- 5. Concurrent with the submission of plans required by Condition I and before the commencement of buildings and works an electronic copy of a Waste Management Plan must be prepared to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. The Waste Management Plan must include:**
- a. **Waste generation**
 - b. **Waste systems to best practice measures:**
 - I. **Verify that all waste streams can be accommodated including any associated equipment for moving bins (ie 1,100 Litre bins)**
 - II. **How hard waste is to be handled from storage area to collection and disposal.**
 - III. **Bin location, type, collection frequency, quantity, size and colour;**
 - c. **Sufficient space within storage area that allows for bin rotation and safe service provision**
 - d. **Cardboard, glass and e-waste storage arrangement.**
 - e. **Bin wash down area and the wash down water discharge to sewer.**
 - f. **Additional waste requirements**
 - I. **Plan showing ALL waste stream final disposal points**
 - II. **Waste infrastructure.**
 - III. **Clear diagram of waste movement.**
 - IV. **Swept path diagrams illustrating access for collection vehicles in the service road.**
 - g. **A requirement that the waste management plan will be reviewed and updated at scheduled intervals to meet best practice measures,**
 - h. **Provide a list of private contractors which can service the development in accordance with the WMP**
- 6. Concurrent with the submission of plans required by Condition I and before the commencement of buildings and works an electronic copy of a sustainability implementation plan/audit to the satisfaction of the**

responsible authority must be submitted to and approved by the responsible authority. The implementation plan must accord with the Sustainability Management Plan (SMP) submitted with the application prepared by Hip V Hype in October 2021 and specify:

- a. How each commitment under the SMP has been met.
 - b. Where a commitment is tied to a future date, specify the date at which the commitment will be met.
 - c. Clearly identify which plan/document or part of plan or document demonstrates the implementation of the SMP.
 - d. Where a measure has not been provided, a relevant equivalent best practice measure (BPM) must be identified and achieved.
7. Within 6 months of the completion of a road, building, access path or communal area within the next applicable planting season, whichever is the earlier; the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the responsible authority. The landscaping must thereafter be maintained to the satisfaction of the responsible authority, including that any dead, diseased, or damaged plants are to be replaced.
8. Prior to the use commencing or the construction / placement or excavation of land encumbered by an easement (whichever is to occur first). A plan of consolidation and easement removal must be lodged with the responsible authority for Certification under the Subdivision Act 1988 and upon receiving Statement of Compliance must be registered with the titles office without delay.
9. Prior to the use or occupation of a dwelling, the dwelling must be connected to a telecommunications network, the stormwater management system, electricity, sewer, and water services.

10. Functional Layout Plan

Before the commencement of any works onsite and prior to endorsement of the civil design plans, a functional layout plan must be submitted to and approved by the responsible authority. When approved the functional layout plan will be endorsed and will then form part of the permit. The functional layout plan must be drawn to scale with dimensions. An electronic copy (PDF) must be provided. The functional layout plan must be generally in accordance with the application plans but incorporate the following:

- a. A plan view layout drawn to scale, including proposed buildings, streets, and reserves.
- b. Topography and existing features, including contours for the subject land and any affected adjacent land.
- c. The location of all trees (or group of trees) existing on the site, including dead trees and those that overhang the site from adjoining land.
- d. Details of tree protection zones for all trees to be retained on site.

- e. Any trees proposed for removal from the site clearly designated.
 - f. Typical cross-sections for each street type, dimensioning individual elements and services offsets.
 - g. Swept turning paths through bends & intersections for an 8.8m service vehicle.
 - h. A table of offsets for all utility services and street trees.
 - i. Location and alignment of kerbs, indented parking spaces, footpaths, shared paths, bus stops and traffic controls/calming.
 - j. The proposed minor drainage network and any land required for maintenance access.
 - k. The major drainage system, including any watercourse, lake, wetland, silt pond, and/ or piped elements showing preliminary sizing.
 - l. Overland flow paths (1% AEP) to indicate how excess runoff will safely be conveyed to the proposed retardation devices.
 - m. Drainage outfall system (both interim and ultimate), indicating legal point of discharge and any access requirements for construction and maintenance.
 - n. Preliminary location of reserves for electrical kiosks.
 - o. Works external to the site, including footpath linkages to the bus stop on Justice Road, the beach down Bellavista Road and along Church Street frontage.
 - p. Intersections with Church Street and Settlement Road.
 - q. Road layout to provide efficient and safe traffic flow throughout the development site.
- 11. Before the commencement of any construction works onsite, detailed civil construction plans must be prepared to the satisfaction of the Responsible authority for endorsement by the Responsible authority. All construction plans submitted for approval must be consistent with this permit and must conform with the requirements of all relevant servicing and road authorities. The plans must be drawn to scale with dimensions. An electronic copy (PDF) must be provided. The plans must show:**
- a. Drainage of the subject land, including levels or contours of the land (including relevant external catchments) and all hydraulic computations. The drainage plan must be prepared in accordance with the Stormwater Strategy prepared by KLM Spatial (Revision E 8/04/2022) and also the requirements of the Infrastructure Design Manual (IDM) as amended. The drainage plans must provide for the following:
 - i. How the land including all buildings, open space and paved areas will be drained for a 20% AEP & 1 % AEP storm event to the legal point of discharge.

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- ii. **An underground pipe drainage system conveying stormwater to the legal point of discharge and connecting into Bass Coast Shire Council's stormwater drainage system.**
 - iii. **The provision of a drainage retardation system within the site and prior to the point of discharge into Bass Coast Shire Council's drainage system. The stormwater retardation system must be designed to ensure that stormwater discharges arising from the proposed development of the land are restricted to pre-development flow rates for storm events up to and including the 20% & 1% AEP. The retardation system must be maintained during the maintenance period to the satisfaction of the Responsible authority.**
 - iv. **Provision of over-land surcharge routes for all storm events up to and including the 1% AEP. This must include infrastructure for the safe and effective passage of stormwater flows arising from areas upstream of the subject land discharging into Bass Coast Shire Council's drainage system.**
 - v. **Compliance with Melbourne Water floodway safety criteria at points of discharge in Council Road reserves for the 1 % AEP storm event post-development.**
 - vi. **Compliance with the Best Practice Environmental Management Guidelines for Urban Stormwater including any quality treatments proposed in accordance with these Guidelines and the Bass Coast Planning Scheme.**
- b. Vehicle and pedestrian access and car parking to the satisfaction of the responsible authority, including:**
- i. **Engineering plans and specifications of intersections with public roads, footpaths, and pedestrian linkages.**
 - ii. **All roads to be constructed of a pavement with a sealed wearing course.**
 - iii. **Intersection treatments, including service vehicle turning paths.**
 - iv. **A 1.5m wide concrete footpath linking to the subject site to the beach along Bellavista Road, including all necessary pram crossings.**
 - v. **A 1.5m wide concrete footpath along the site frontage for the full length of Church Street frontage.**
 - vi. **A Pram crossing to provide footpath connection from the site to existing footpath on Settlement Road.**
 - vii. **A Footpath connection to the bus stop on Justice Road.**
 - viii. **Bollards must be provided to prevent direct vehicle access to open space reserves from Council Road reserves other than any proposed maintenance/emergency access.**
 - ix. **Street lighting required for the intersection to Australian standards.**

All works must be constructed or carried out in accordance with these plans.

12. Before commencement of any earthworks onsite, a Construction Management Plan (CMP) must be prepared to the satisfaction of the Responsible authority for endorsement by the Responsible authority. The plans must be drawn to scale with dimensions. An electronic copy (PDF) must be provided. The plan must address, but not be limited to following:

- a. Address occupational health and safety, traffic management, environmental controls, and cultural protection measures to the satisfaction of the responsible authority.**
- b. Include the proposed route for construction vehicle access to the site including a program for the upgrade and maintenance works required along this route while works are in progress.**
- c. Include measures to reduce the impact of noise, dust and other emissions created during the construction process.**
- d. Demonstrate all environmental and cultural protection measures identified on a drawing(s) drawn to scale and prepared in accordance with Melbourne Water standards for such drawings.**
- e. Measures to ensure that no mud, dirt, sand, soil, clay, or stones are washed into or allowed to enter the storm water drainage system.**
- f. Include means by which foreign material will be restricted from being deposited on public roads by vehicles associated with the building and works on the land to the satisfaction of the responsible authority.**
- g. Address any recommendations of any approved Cultural Heritage Management Plan applying to the land.**
- h. Identify the location and method of any Tree Protection Zones.**
- i. All machinery bought on the site must be weed and pathogen free.**
- j. A truck wheel-wash must be installed and used, or a similar arrangement employed so vehicles leaving the site do not deposit mud or other materials on roadways. All machinery wash down, lay down and personnel rest areas must be clearly fenced and located in disturbed areas.**
- k. Contractors working on the site must be inducted into an environmental management program for construction works.**
- l. Best practice erosion and sediment control techniques must be used to protect any native flora and fauna.**
- m. Appropriate mechanisms for protecting environmental and heritage assets during the construction phase of subdivision.**
- n. landscaping, re-vegetation and construction works carried out on the site must be supervised by a person with recognised environmental qualifications.**

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- o. **hours of construction work.** The **CMP** must provide that such hours are to be 7.00am to 6.00pm Monday to Friday and 7.00am to 1.00pm Saturday, with no construction on Sunday or public holidays. The **CMP** must provide that the hours of construction from Monday to Saturday (inclusive) may be extended with the consent of the responsible authority provided all adjoining residents are notified prior to the extended hours of construction. All deliveries, unloading and collection of materials associated with the construction phase of the development must occur within the hours of construction work, unless further permission is given in writing by the responsible authority.
 - p. **location of the construction worker's compound.** The compound must be located a reasonable distance from any neighbouring residence to minimise amenity impacts. The compound must be used for the storage of building materials, parking for construction workers and as the location for the site offices and amenities.
 - q. **management of all building and construction waste, including any measures to recycle materials generated during construction.**
 - r. **locations of cut and fill stockpiles.**
 - s. **the gravel and any other approved soil-derived material used in the construction of pedestrian links and paths must be guaranteed Phytophthora free.**
 - t. **a liaison officer for contact by residents and the responsible authority in the event of relevant queries or problems experienced.**
 - u. **timing of bulk earth works.** The **CMP** must detail conditions that will cause bulk earth works to be suspended (for example after significant and prolonged rain event).
 - v. **reporting requirements to demonstrate compliance with the latest revision of the following documents:**
 - i. **EPA guidelines for Major Construction Sites and Techniques for Sediment Pollution Control and other provisions of the approved EMP.**
 - ii. **Best Practice Environmental Management Guidelines for Urban Stormwater.**
 - iii. **Environmental Guidelines for Urban Stormwater (EPA Publication)**
 - iv. **Construction Techniques for Sediment Pollution Control (EPA Publication)**

The Construction Management Plan, once endorsed, will form part of the permit. All works constructed or carried out must be in accordance with the approved Construction Management Plan. All care must be taken to minimise the effect of construction activity on the amenity of the surrounding neighbourhood. Once endorsed the Construction Management Plan must not be altered except with the written consent of the Responsible authority.

13. Before the occupation of the development, all works must be completed in accordance with the conditions and endorsed plans to the satisfaction of the Responsible authority including:
 - a. All roads, paths, drainage, open space, and other infrastructure in accordance with the endorsed civil design plans.
 - b. redundant infrastructure on road reserves must be removed and the area reinstated to the satisfaction of the Responsible authority including appropriate kerbing and channelling, footpath, and landscaping.
 - c. street lighting must be provided in accordance with Australian Standards (eg: AS1158.3.1)
 - d. all landscaping works in accordance with the endorsed landscape plan.
 14. Before the occupation of the development, the following must be provided to the responsible authority. Copies of the “as constructed” engineering footpaths, drainage drawings as Collated electronic PDF format.
 15. All public works delivered with the development must be maintained for defects to the satisfaction of the Responsible authority until asset ownership handover in accordance with the IDM
- Health Department conditions.
16. Before the development starts, an application must be made to Council’s Environmental Health Department for the Registration of a Caravan Park under the provisions of the Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010.
 17. Before the development is occupied, reticulated sewerage must be provided to each lot and any existing buildings must be connected to the reticulated sewerage system to the satisfaction of the Responsible authority.
 18. An application must be made to Council’s Health Department for Registration of a Food Premises under the provisions of the Food Act 1984.

Vegetation removal conditions

19. To offset the removal of 0.070 hectares of native vegetation the permit holder must secure a native vegetation offset, in accordance with the permitted clearing of native vegetation - Biodiversity

Assessment Guidelines (DEPI 2013) and Native Vegetation Scoring Manual (DEPI) as specified below:

- a. **A general offset of 0.012 general biodiversity equivalence units with the following attributes:**
 - b. **Be located within the Port Phillip and Westernport Catchment Management Authority boundary or Bass Coast Shire municipal district**
 - c. **Have a strategic biodiversity score of at least 0.146**
- 20. Before any native vegetation is removed, evidence that the required offset for the project has been secured must be provided to the satisfaction of the Responsible authority. The offset evidence must be:**
- a. **A security agreement signed by both parties, to the required standard, for the offset site or sites, including a 10-year offset management plan; or**
 - b. **An allocated credit extract from the Native Vegetation Credit Register**

A copy of the offset evidence will be endorsed by the Responsible authority and form part of this permit.

Department of Transport conditions

- 21. Before the development starts, or other time agreed in writing with the Head, Transport for Victoria, amended plans to the satisfaction of the Head, Transport for Victoria must be submitted to and approved by the Responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the plans submitted with the application but modified to show the South bound bus stop on Justice Road upgraded to include:**
- a. **All access paths and paved surfaces to be a minimum width of 1.2m and to align with the entrance and exit points of the bus stop,**
 - b. **Pedestrian foot path connecting the bus stop to the nearby footpath at the roundabout corner,**
 - c. **9.2 metre long kerbing abutting Justice Road edge for upgraded bus stop,**
 - d. **Concrete bus stop hard stand including post, flag, and tactile ground surface indicators (cut into the ground and based upon standard drawings STD_0064, STD_S0062, STD_S0063 and Bus Stop Guidelines Feb 2006),**
 - e. **Bus shelter, associated seating (based upon standard drawings STD_S0069) inplan and cross section form and**
 - f. **Allocated space for wheelchairs within bus shelter,**

- g. Designed to comply with the Disability Standards for Accessible Public Transport 2002 Act.**

Note: Any plan prepared must depict the location of the bus stop, pole, concrete hard stand area for passengers, shelter, tactile indicators, and distances to any infrastructure (electricity/light poles) and street trees. The plan will also need to depict the image of a stopped bus (with door locations marked).

- 22. Prior to the occupation of the development, all works outlined on the endorsed plans must be completed at no cost to and to the satisfaction of the Head, Transport for Victoria.**
- 23. Prior to occupation of the development, the Head, Transport for Victoria must be provided with GPS co-ordinates of the bus stop and high-resolution photos (300dpi) of the bus stop (streetscape perspective including the entire stop) to the satisfaction of the Head, Transport for Victoria.**
- 24. The permit holder must notify Department of Transport (DOT) a minimum of 8 weeks prior to any bus stop upgrade / or temporary relocation works approved under this permit. The permit holder must notify DOT by either calling 1800 800 007 or email customerservice@transport.vic.gov.au**
- 25. The permit holder must take all reasonable steps to ensure that disruption to bus operation along Church Street and Justice Road is kept to a minimum during the construction of the development. Foreseen disruptions to bus operations and mitigation measures must be communicated to Department of Transport eight (8) weeks prior by telephoning 1800 800 007 or emailing customerservice@transport.vic.gov.au**

Country Fire Authority conditions

- 26. The Residential Village Development must be provided with the following to the satisfaction of the CFA:**
 - a. Above or below ground operable hydrants must be provided. The maximum distance between these hydrants and the rear of all building envelopes (or in the absence of building envelopes, the rear of the lots) must be 120 metres and the hydrants must be no more than 200 metres apart. These distances must be measured around lot boundaries.**
 - b. The hydrants must be identified with marker posts and road reflectors as applicable to the satisfaction of the Country Fire Authority.**
- 27. Roads must be constructed to a standard so that it is accessible in all weather conditions and capable of accommodating a vehicle of 15 tonnes for the trafficable road width.**
 - a. The average grade must be no more than 1 in 7 (14.4%) (8.1 degrees) with a maximum of no more than 1 in 5 (20%) (11.3 degrees) for no more than 50 meters. Dips must have no more than a 1 in 8 (12%) (7.1 degree) entry and exit angle.**

- b. Curves must have a minimum inner radius of 10 metres.
- c. Have a minimum trafficable width of 3.5 metres and be clear of encroachments for at least 0.5 metres on each side and 4 metres above the access way.

28. This Permit will expire if:

- a) The development does not start within 3 years from the date of this Permit; and
- b) A plan of consolidation of all lots including the removal of easements is not registered at the titles office within 3 years from the date of this permit; or
- c) The development is not completed within 6 years of the date of this Permit; or
- d) The use has not commenced within 1 year of completion of the development.
- e) The use is discontinued for a period of 2 years or more.

The responsible authority may extend the time referred to in accordance with Section 69 of the Planning and Environment Act 1987

PERMIT NOTES

A. BUILDING PERMIT MAY BE REQUIRED

This permit does not constitute any authority to carry out any building works or occupy the building or part of the building unless all relevant building permits are obtained.

B. PLANNING LIMITATION

Nothing in the grant of this permit should be construed as granting any permission other than planning permission for the purpose described. It is the duty of the permit holder to acquaint themselves, and comply, with all other relevant legal obligations (including any obligation in relation to restrictive covenants and easements affecting the site) and to obtain other required permits, consents, or approvals.

C. BUILD OVER EASEMENT

Separate consent is required to build over the easement. It will be necessary to obtain consent from all relevant authorities prior to construction. Please note that consent may or may not be given, depending on specific site circumstances and conditions.

D. RETENTION OF EXISTING STREET TREES

Nothing in the permit hereby issued may be construed to allow the removal of damage to or pruning of any street tree without the further written consent of the Bass Coast Shire Council. Contact Council Arborists on BCOAST (226 278) or (03) 5671 2211 for further information.

E. RESCODE (RESIDENTIAL SITING) NOT ASSESSED

This permit application was not assessed against the provisions of Clause 55 of the Bass Coast Planning Scheme.

CARRIED

H.3 Planning Application 220110 - Buildings and works to construct eight (8) dwellings on a lot at 3 Pike St, San Remo.

File No: CM22/549
Division: Place Making
Council Plan Strategic Objective: Sustainable Development

Prepare for growth while ensuring the intrinsic values and character of Bass Coast are retained.

Declaration

The author has no direct or indirect interests in relation to this report.

Purpose of Report

For Council to consider a planning application for buildings and works to construct eight (8) dwellings at 3 Pike Street, San Remo.

Executive Summary

Application number:	220110
Applicant:	Jackson Lai C/- Kostic & Associates Pty Ltd
Land/Address:	3 Pike Street, San Remo VIC 3925
Ward:	Western Port Ward
Proposal:	Buildings and works to construct eight (8) dwellings on a lot
Zone:	General Residential Zone – Schedule 1 (GRZ1)
Overlay:	Design and Development Overlay – Schedule 1 (DDO1)
Aboriginal cultural heritage sensitivity	The site is not located within an area of identified cultural heritage sensitivity.
Title:	<p>The site is identified as Lot A on Plan of Subdivision PS805578C in Volume 12234 Folio 111.</p> <p>A Memorandum of Common Provisions applies to this Plan of Subdivision, but it is noted that it does not apply to this lot.</p> <p>The land is not affected by any easements.</p> <p>The land is encumbered by a Section 173 Agreement, Instrument AS352532W dated 15 July 2019, of which the applicable Owners Obligations for this land require that the site is developed in accordance with the endorsed Design Guidelines.</p>

	The proposal is considered to comply with these design guidelines through obtaining the approval of the Design Review Panel against the Panorama Design Guidelines.
Number of submissions:	A total of one objection was received.
Reason a Council decision is required:	Council's delegations require that applications for developments of more than \$3 million be received by Council for determination. The cost of development for the proposal is \$3.7 million
Officer recommendation:	Notice of Decision to Grant a Planning Permit

Main Considerations

The following are the main considerations that formed part of the assessment of this application:

- Neighbourhood character and building scale.
- Landscape response.
- Amenity impacts to adjoining properties.

The Proposal

This application proposes to construct a total of eight dwellings on the land in accordance with architectural plans prepared by Kostic & Associates. The decision plans are provided as Attachment one and are detailed below:

- Development Plans prepared by Kostic & Associates, Revision A, dated 08/02/2022;
- Landscape Plans prepared by Land Concepts, Revision I, dated 17/03/2022

Key features of the proposal include:

- Construction of eight dwellings, all of varying internal layouts and described in the below table;
- Dwellings 1-6 accessed via six individual single crossovers on Pike Street (western boundary);
- Dwellings 7 & 8 accessed via a double crossover and common driveway with a T-junction;
- No vegetation is proposed to be removed.

Unit	1	2	3	4	5	6	7	8
Storeys	Double	Double	Double	Double	Double	Double	Double	Double
Maximum Height	7.2m	6.86m	6.9m	6.97m	6.9m	6.88m	7.42m	6.7m
Bedrooms	3	2	3	3	2	3	3	3
Proposed Vehicle Accommodation	Double Garage	Double Garage	Double Garage	Double Garage	Double Garage	Double Garage	Double Garage	Double Garage

Total Car Spaces	2	2	2	2	2	2	2	2
Vehicle Access	<p>Vehicle access is provided to Units 1-6 via individual private single crossovers to Pike Street.</p> <p>Vehicle access is provided to Units 7 & 8 via a common driveway with a double crossover to Pike Street.</p>							



Figure 1 - Proposed Plans



Figure 2 - Proposed Plans

Subject Site and Surrounds

The site is located on the west side of Pike Street, between Trevally Road to the northwest and Shetland Heights Road to the south. The site is an irregular shaped lot with an 81.7m metre frontage to Pike Street, a maximum depth of 40.5 metres and a site area of 2934 square metres.



Figure 3 – Aerial photography of subject site (Source: Council's GIS System, dated 20 September 2022)

The site is currently undeveloped and contains no substantial vegetation.



Figure 4 – View of subject site from Pike Street

The land is a 'super lot' located in the newly developed Panorama Estate within the existing settlement boundaries of San Remo. The surrounding area is largely undeveloped, with some dwellings under construction.

A small reserve to the immediate north of the site accommodates a zig-zag pedestrian path down from Trevally Road to Pike Street. The reserve is a pedestrian way and does not offer opportunity for passive recreation.

The subject land is within 400 metres of the San Remo Pre-School Centre and Maternal and Child Health Service, and the San Remo Sporting precinct - community facilities on Public Parks and Recreation Zoned land. The Sporting precinct includes the Bowls Club, Basketball Club and Tennis Club, and has a multi-use indoor sports stadium

The main characteristics of the surrounding area are:

North	Adjoining the land to the north is a Municipal Reserve, which contains a graded and sealed footpath zigzagging along the contours to provide access from Trevally Road to Pike Street.
South	Adjoining the land to the south is 13 Pike Street. This lot is approximately 650 square metres in area and is vacant residential land yet to be developed.

East	Adjoining the land to the east are five residential allotments on the adjacent side of Pike Street, all approximately 650 square metres in size, and currently undeveloped or obtaining necessary approvals for the construction of a single dwelling on a lot. It is noted that 14 Pike Street is currently seeking planning approval to construct a dwelling over 7 metres in height, and 16 Pike Street is currently before VCAT on an objector appeal to an approved dwelling over 7 metres in height.
West	Adjoining the land to the west are three residential allotments on Panorama Drive, all approximately 675 square metres in area and currently undeveloped or obtaining necessary approvals for the construction of a single dwelling on a lot. It is noted that 25 Trevally Road is currently seeking planning approval to construct a dwelling over 7 metres in height.



Figure 5 – Site and surrounds



Figure 6 - Zoning Map

Consultation

Notice of the application was required under Section 52 of the *Planning & Environment Act 1987*, as the responsible authority was not satisfied that the grant of the permit would not cause material detriment to any person.

The Applicant gave notice in the following manner:

- Sent copies of the Notice by registered mail to 19 land owners and occupiers; and
- Placed a Notice on the land.

In response to notification the application attracted one submission comprising one objection. A copy is included in Attachment two.

The submitter concerns and comments are summarised further in this report including a Council Officer response in the table provided.

Referrals

The following table outlines the referral requirements of this application.

Referral Authority	Comments
External (Section 55 of the <i>Planning and Environment Act 1987</i>)	
N/A	N/A
Internal (Section 52 of the <i>Planning and Environment Act 1987</i>)	
Development Services	Referred for Drainage and Access consideration and received consent subject to the inclusion of relevant conditions.

Planning Scheme Provisions

Planning Policy Framework Assessment

The relevant Planning Policy Framework clauses are as follows:

VPP00 Purpose and Vision

Clause 02 – Municipal Planning Strategy

- Clause 02-01 Context
- Clause 02-02 Vision
- Clause 02-03 Strategic direction
- Clause 02.04 Strategic framework plan

VPP11 Settlement

Clause 11.01 - Victoria

- Clause 11-01-IS Settlement
- Clause 11-01-IR Settlement – Gippsland
- Clause 11-01-IL-01 Settlement
- Clause 11-01-IL-05 San Remo

VPP 15 Built Environment and Heritage

Clause 15.01 Built Environment

- Clause 15.01-IS Urban design
- Clause 15.01-IL-01 Urban Design in Bass Coast
- Clause 15.01-IL-02 Landscape design
- Clause 15.01-2S Building design
- Clause 15.01-2L Building design
- Clause 15.01-5S Neighbourhood character
- Clause 15.01-5L Neighbourhood character

VPP 16 Housing

Clause 16.01 Residential Development

- Clause 16.01-IS Housing supply
- Clause 16.01-IL Housing supply
- Clause 16.01-2S Housing affordability

VPP 19 Infrastructure

Clause 19.03 Development Infrastructure

- Clause 19.03-3S Integrated water management
- Clause 19.03-3L Integrated water management

The following provides an assessment of the proposal against the relevant Planning Policy Framework (PPF) under the themes of Settlement, Coastal Areas, Built Environment and Heritage, Housing and Infrastructure.

At the State Level, the key policy influences applicable to this application primarily relate to matters including the protection of coastal areas, provision of housing diversity, urban design, landscape design, neighbourhood character and housing supply.

The land is considered to be well located within a recently established residential area which is adequately serviced by infrastructure and is well located regarding passive and recreational opportunities. It is also noted that the subject land is a 'super lot' whereby it was intended that the land be developed with a multi-unit development. It is therein considered that the proposal is supported by State policy and relevant strategic documents.

The use of the land for residential purposes is consistent with the purpose of the underlying Zone, as well as State and Local Planning Policy.

The site provides for a residential infill style development in a location within close range of community and commercial infrastructure and services. Further to this, the proposal provides for residential development which is consistent with the provisions of the General Residential Zone, and the need for a range of housing types.

An increase in density on this land is generally supported by Policy, which seeks increase in densities and infill development within the boundaries of San Remo, as identified in the Strategic Framework Plan for San Remo contained within Clause 11.01-1L-05 San Remo and Clause 16.01-1L Housing Supply.

The subject site is located within 400 metres of a community facility, and it is considered that the proposed density of development results in a satisfactory outcome, particularly given the relatively close proximity of the development 850 metres to the south-east of the main commercial precinct of San Remo, and the connectivity provided through pedestrian and vehicular links to this precinct.

With respect to stormwater management from the development, the site is connected to Council's stormwater infrastructure, and appropriate conditions on the permit to issue will ensure that sufficient stormwater management is supplied to the proposal so as not to unreasonably overburden this infrastructure.

Zone Assessment

Clause 32.08 – General Residential Zone (Schedule 1)

The purpose of the insert zone is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework;*
- *To encourage development that respects the neighbourhood character of the area*
- *To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.*
- *To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations*

The application is considered to be consistent with the objectives and decision guidelines of the General Residential Zone for the following reasons:

- The proposal complies and satisfies the relevant state and local planning policies listed and discussed in the above sections.
- The proposal furthermore has demonstrated satisfactory compliance with the Standards and Objectives of Clause 55.
- It consolidates urban development within existing urban boundaries, being an infill-style development of an existing residential zoned lot in an established residential area.
- It maximises use of existing infrastructure, with all utility infrastructure being available to the site.
- Traffic impacts arising from the development are not considered to be overly burdensome to the existing road network, whereby the density of development is a minor increase to the standard residential density of residential subdivisions.
- The site has good access to a wide range of services available in the San Remo township. A V-line bus service connects San Remo to the Melbourne Metropolitan rail system.
- The design of the dwellings takes advantage of the site's orientation to provide for solar gain through living room windows which will receive direct sunlight, and also direct sunlight into secluded private open space areas.
- It respects neighbourhood character, which is demonstrated by a mixture of dwelling densities in evidence in the surrounding area.
- The development pattern consistently follows the existing and emerging built form character found in the immediately surrounding area.

Garden area

As per Clause 32.08-4 (General Residential Zone), the subject site is required to provide 35% of garden area. The proposal sets aside 38.84% (1139.14 square metres) of the site for garden area and therefore, the application is consistent with the minimum garden area requirement under the zone.

Given that a Planning Permit is required under the zone for eight dwellings on the land, Clause 55 (Two or More Dwellings on a Lot and Residential Buildings) must be assessed and considered in the decision-making process and is discussed further in the report below.

Overlay Assessment

Clause 43-02 – Design and Development Overlay

The purpose of the Design and Development Overlay is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To identify areas which are affected by specific requirements relating to the design and built form of new development.*

Schedule I of Clause 43.02 also contains the following (as relevant) decision guidelines which have formed part of this assessment:

- *To protect views from the coast to adjacent residential areas.*
- *To protect views to the coast from adjacent residential areas.*
- *To minimise the impact of development along the coastline.*
- *To protect and enhance the visual amenity and landscape of the coastal area.*
- *To respond to the potential coastal impacts of climate change.*

The application is considered to be consistent with the objectives of the overlay for the following reasons:

- Only two of the proposed eight dwellings exceed 7 metres in height, on elevational aspects contained within the subject site, thereby not presenting substantial built form exceeding 7 metres to the primary street frontage.
- Both of the units exceeding the 7-metre height preference do so by up to 420mm, which is considered to be a minor increase within the context of surrounding and emerging developments requiring consideration for built form exceeding this threshold.
- The subject site is located within an existing residential settlement and well setback from the coast, and it is therefore considered that the proposal will not present a substantial built form when viewed from the coast given the existing and emerging built form to the north, east and west of the site.
- Further to this, the location of the development within an existing settlement will be of minimal impact to views from nearby coastal roads with outlook to or from the coastline.
- The visual amenity and landscape character of the coastal area will be retained, as the proposed development will be confined to an existing allotment in an established residential area. The character of development in this area is demonstrated by evolving development which is prominent, and clearly visible from public areas and the coast.
- The proposal follows section 3.1.3 of the *Siting and Design Guidelines for Structures on the Victorian Coast (Victorian Coastal Council 1988)* by proposing new dwellings in a residential setting, therefore 'grouping structures' as encouraged by the guideline.
- The subject site is located within the General Residential Zone, whereby the intended purpose is to provide for low-moderate scale residential development on generously sized lots.
- Furthermore, the site is within the existing township boundaries and therefore will not result in an increase in human activity within the natural landscape.
- The proposal will result in a dwelling which is comparable in size and scale to other double storey built form in the surrounding area.
- The proposal presents generous setbacks to all boundaries consistent with the existing surrounding neighbourhood character of single dwellings on a lot and provides a sufficient amount of secluded private open space to the rear of the dwelling to accommodate substantial landscape planting.

Particular Provisions Assessment**Clause 52.06 – Car Parking**

Clause 52.06-1 applies to:

- *a new use; or*
- *an increase in the floor area or site area of an existing use; or*
- *an increase to an existing use by the measure specified in Column C of Table 1 in Clause 52.06-5 for that use.*

A residential requires two car parking spaces for every three or more-bedroom dwelling, and one visitor space for per five dwellings. The proposal generates a requirement of 17 car parking spaces for the construction of eight x three-bedroom dwellings. The proposal will provide 17 number of spaces, meeting this requirement.

Clause 55 - Two or more Dwellings on a lot and Residential Buildings

The proposal is considered to have satisfied all other objectives, standards, and decision guidelines of clause 55 of the Bass Coast Planning Scheme with the exception of the following:

Clause 55.04 Amenity Impacts

Standard B17 seeks to ensure the height, side, and rear setbacks of development respect the existing or preferred neighbourhood character and limits the amenity impacts on existing dwellings. With respect to this Standard, all dwellings on near to property boundaries are able to demonstrate sufficient setbacks to the side and rear boundary of the lot with the exception of the northern boundary upper-level recession of Unit 1.

Unit 1 presents a wall height of between 5.4m and 6.89m, consequently requiring a setback of 1.54m to 1.99m to the northern boundary. The development proposes a 1.83m setback, which is considered overall to be a suitable variation, particularly given that the non-compliance is relevant to the adjoining reserve accommodating a footpath.

It is not considered that the non-compliance will result in any adverse impacts to adjoining allotments for this reason.

It is noted that although the provisions of Standard B22 are not applicable to the development due to the adjoining lots being vacant, the applicant has agreed in writing to allow for a condition to be included for the obscuring of first floor windows on the east elevation of Unit 7 & 8, and the south elevation of Unit 6, up to 1.7m from F.F.L.

Clause 55.05 On-Site Amenity and Facilities

Standard B25 seeks to ensure new development considers people with limited mobility in the design of developments by providing for accessible entry points and suitable habitable arrangements.

With respect to this Standard, the slope of the land does not sufficiently lend itself to providing ready access to each dwelling without the use of steps, however it is noted that the development does contain a variety of floor plans which include providing living, kitchen and bedroom spaces on the ground floor which could be provided with easy access from the garage spaces for people with limited mobility.

The development is therein considered to provide an adequate response to the overarching objective of the Standard.

Concerns Raised by Submitters

The following table summarises submissions into themes and provides a discussion on planning merit:

Submitter Theme	Council Officer Response
<p>Building Height exceeding 7 metres</p> <p>Implications for adjoining properties having to build higher</p> <p>Streetscape/high roofline properties detracting from residential appeal of area</p>	<p>Whilst it is acknowledged that two of the units proposed will present a maximum height on one façade up to 7.42m and the submission sought for the height to be reduced below 7m, this is not the intent of the Overlay.</p> <p>Although Schedule 1 to the Design and Development Overlay sets a preferred maximum height of 7m, an application can be made to allow development in excess of 7m.</p> <p>The proposal includes a total of eight dwellings, six of which will not extend beyond 7m in height.</p> <p>Unit 1 presents a height of 7.2m in the north-western corner of the dwelling, whilst Unit 7 presents a height of 7.42m in the western elevation. Both of these elevations are of limited impact with respect to view impacts given that primary outlooks from this estate are to the north and north-west.</p> <p>The submission raises concern to the implications of the proposal on the longer-term streetscape of development to the east of the site, particularly where it is perceived that development will be required to exceed 7m in order to obtain a view.</p> <p>It is however noted that Unit 7 and 8 on their eastern elevation present heights of 6.3m or less above ground level, and due to the slope of the land development on adjoining lots to the east will inherently benefit from being situated further up the hill.</p> <p>Any further development in the surrounding area exceeding 7 metres will be subject to the requirements of a Planning Permit, and relevant consideration against the decision guidelines of Schedule 1 to the Design and Development Overlay.</p>

Conclusion

The application has been assessed against the Bass Coast Planning Scheme and is considered consistent with the relevant Planning Policy Framework, decision guidelines of the General Residential Zone, Schedule 1 to the Design and Development Overlay, and the relevant standards and objectives of Clause 55 as they relate to the construction of two or more dwellings on a lot.

The application underwent notification and as a result there was one submission received. Concerns raised by submitters were considered in the assessment of the application.

It is recommended that Council resolve to issue a Notice of Decision to Grant a Planning Permit for planning application 220110 subject to conditions.

Recommendation

That in relation to Planning Permit application 220110 for Buildings and Works to Construct Eight (8) Dwellings located at 3 Pike Street, San Remo, Council resolves to issue a Notice of Decision to Grant a Permit, subject to the following conditions:

Amended plans required

- 1. Before the development commences, amended plans drawn to scale with dimensions must be submitted to and approved by the responsible authority. The plans must be generally in accordance with the development plans prepared by Kostic & Associates, Revision A, dated 08/02/2022, but modified to show:**
 - a. Obscure glazing on the eastern first floor windows of Unit 7 & 8 to 1.7m above F.F.L;**
 - b. Obscure glazing on the southern first floor window of Unit 6 to 1.7m above F.F.L;**
 - c. Installation of bollard lighting within the common property accessway to address standard B12;**
 - d. An annotation on the plans that the water tanks are connected to toilets for flushing;**
 - e. The dimensions of the Visitor Car Space in accordance with Clause 52.06 shown on the site plan;**
 - f. Corner Splays in accordance with Clause 52.06 shown on the site plan for each access to Pike Street;**
 - g. Detailed Civil Construction Plans in accordance with Condition 8;**
 - h. A Construction Management Plan in accordance with Condition 11.**

All to the satisfaction of the responsible authority. When approved, the plans will be endorsed and will then form part of this Permit.

General Conditions

2. The layout of the site and size, design and location of buildings and works as shown on the endorsed plans must not be altered without the prior written consent of the responsible authority.
3. The development must not be occupied until the following works have been completed to the satisfaction of the responsible authority:
 - a. The landscaping works on the endorsed plans must be carried out and completed;
 - b. The premises are connected to a reticulated water supply, sewerage, drainage, and underground electricity to the requirements of the relevant servicing authority;
 - c. Power and telephone lines to all new dwelling must be placed underground from the main point of service supplied by the relevant authority outside the boundaries of the subject land;
 - d. A bin storage area must be provided for each dwelling and must be located so as not to be detrimental to the visual amenity of the neighbourhood;
 - e. A mail box must be provided to the satisfaction of the responsible authority and Australia Post;
 - f. A clothesline must be provided for each dwelling and must be located so as not to be detrimental to the visual amenity of the neighbourhood;
 - g. Lighting must be provided near the front entrance of each dwelling;
 - h. Residential standard concrete vehicle crossings as shown on the approved plans must be constructed to the approval and satisfaction of the responsible authority;
 - i. All proposed areas set aside on the approved plans for access, circulation and car parking must be constructed with concrete, asphalt, or other approved hard surfacing material, drained and the parking areas delineated to the satisfaction of the responsible authority. Once constructed, these areas must be maintained to the satisfaction of the responsible authority.

No buildings and works over easements

4. No buildings or works shall be constructed on any existing easement (including implied sewer, drainage, telephone, gas, power, and water easement) or proposed easement without the further approval in writing of the responsible authority and/or the relevant service provider.

Completion and maintenance of landscaping

5. Within 3 months of the completion of the development or within the next applicable planting season, whichever is the earlier; the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the responsible authority.

6. The landscaping must thereafter be maintained to the satisfaction of the responsible authority, including that any dead, diseased or damaged plants are to be replaced.

Photographic evidence of planting to be submitted

7. At least 3 high quality photographs (from various angles and distances) to be provided within 1 month from when the use starts/development is complete demonstrating the trees as being planted in accordance with the endorsed plans. This may be accompanied by additional evidence including receipts of the purchased trees, formal letter on letterhead by an arborist confirming the landscaping has been undertaken in accordance with the endorsed plans.

Engineering Conditions

8. Before the issue of a building permit by a relevant building surveyor, detailed civil construction plans must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. All construction plans submitted for approval must be consistent with this permit and must conform with the requirements of all relevant servicing authorities. The plans must be drawn to scale with dimensions and an electronic copy (PDF) must be provided. The plans must show:
 - a) Drainage of the subject land, including levels or contours of the land (including relevant external catchments) and all hydraulic computations. The drainage plan must be prepared in accordance with the requirements of the Infrastructure Design Manual (IDM) as amended and must provide for the following:
 - i. How the land including all buildings, open space and paved areas within each lot will be drained for a 20% AEP storm event to the legal point of discharge.
 - ii. An underground pipe drainage system conveying stormwater to the legal point of discharge and connecting into Bass Coast Shire Council's stormwater drainage system by the existing underground drainage property connection.
 - iii. The provision of stormwater detention within the site and prior to the point of discharge into Bass Coast Shire Council's drainage system. The stormwater detention system must be designed to ensure that stormwater discharges arising from the proposed development of the land are restricted to pre-development flow rates. The rate of pre-development stormwater discharge shall be calculated using an allowable discharge rate for the site 37 l/sec/ha.
 - iv. Provision of over-land surcharge routes for all storm events up to the 1% AEP. This must include cut-off drains and associated infrastructure for the safe and effective passage of stormwater flows arising from areas upstream of the subject land discharging into Bass Coast Shire Council's drainage system.

- v. No part of any above ground stormwater detention system is to be located within a stormwater drainage easement or a sewerage easement unless with the responsible authority's written approval.
 - vi. Any above ground detention tanks to be deferred via a Section 173 agreement must be noted on the plans.
- b) Vehicle and pedestrian access and car parking to the satisfaction of the responsible authority including:
 - i. A vehicle access to each lot in the, to be designed in accordance with IDM standards (SD 240). Clearance from obstructions including existing street trees, service authority assets, footpaths, kerb and channel, poles, rain gardens, pits, cables, pipes, bus shelters / stops, street furniture, signs, etc. must be shown on the plans.
- 9. The onsite stormwater drainage system including stormwater detention, installed in accordance with the endorsed plans, must not be removed or modified without the further approval in writing of the responsible authority.
- 10. Before the issue of a Certificate of Occupancy, the following works must be completed to the satisfaction of the responsible authority including all necessary permits being obtained and inspections undertaken:
 - a. All civil construction works, must be constructed in accordance with the civil design plans for the property as endorsed by the responsible authority pursuant to this Planning Permit
 - b. All drainage works (excluding any above ground detention tanks deferred via a Section 173 agreement) in accordance with the endorsed civil plans.
 - c. Photographic evidence of the legal point of connection to Council's drainage system must be provided if Council inspection cannot be arranged prior to backfilling.
 - d. Areas for common property, vehicle access and car parking within the land must be constructed in accordance with the endorsed civil design plans.
 - e. All proposed vehicle crossings and footpaths must be constructed in accordance with the endorsed plans and IDM standards,
 - f. All redundant infrastructure (including vehicle crossings) abutting the site shall be removed and the kerb, channel, nature strip, footpath and street lighting shall be reinstated.
 - g. Removal of any sheds or redundant buildings located on created land parcels not accommodating a dwelling.

Construction Management Plan

11. Concurrent with the submission of amended plans and before the issue of a Building permit by a relevant Building Surveyor, a Construction Management Plan (CMP) must be prepared to the satisfaction of the responsible authority for endorsement by the responsible authority. The plans must be drawn to scale with dimensions. An AI plan and an electronic copy (PDF) must be provided. The plan must address, but not be limited to following:

- a. Address occupational health and safety, traffic management, environmental controls, and cultural protection measures to the satisfaction of the responsible authority.**
- b. Include the proposed route for construction vehicle access to the site including a program for the upgrade and maintenance works required along this route while works are in progress.**
- c. Include measures to reduce the impact of noise, dust and other emissions created during the construction process.**
- d. Demonstrate all environmental and cultural protection measures identified on a drawing(s) drawn to scale and prepared in accordance with Melbourne Water standards for such drawings.**
- e. Measures to ensure that no mud, dirt, sand, soil, clay, or stones are washed into or allowed to enter the storm water drainage system.**
- f. Include means by which foreign material will be restricted from being deposited on public roads by vehicles associated with the building and works on the land to the satisfaction of the responsible authority.**
- g. Address any recommendations of any approved Cultural Heritage Management Plan applying to the land.**
- h. Identify the location and method of any Tree Protection Zones.**
- i. All machinery bought on the site must be weed and pathogen free.**
- j. A truck wheel-wash must be installed and used, or a similar arrangement employed so vehicles leaving the site do not deposit mud or other materials on roadways. All machinery wash down, lay down and personnel rest areas must be clearly fenced and located in disturbed areas;**
- k. Contractors working on the site must be inducted into an environmental management program for construction works.**
- l. Best practice erosion and sediment control techniques must be used to protect any native flora and fauna.**
- m. Appropriate mechanisms for protecting environmental and heritage assets during the construction phase of subdivision.**

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- n. **Landscaping, re-vegetation and construction works carried out on the site must be supervised by a person with recognised environmental qualifications;**
 - o. **Hours of construction work. The CMP must provide that such hours are to be 7.00am to 6.00pm Monday to Friday and 7.00am to 1.00pm Saturday, with no construction on Sunday or public holidays. The CMP must provide that the hours of construction from Monday to Saturday (inclusive) may be extended with the consent of the responsible authority provided all adjoining residents are notified prior to the extended hours of construction. All deliveries, unloading and collection of materials associated with the construction phase of the development must occur within the hours of construction work, unless further permission is given in writing by the responsible authority;**
 - p. **Location of the construction worker's compound. The compound must be located a reasonable distance from any neighbouring residence to minimise amenity impacts. The compound must be used for the storage of building materials, parking for construction workers and as the location for the site offices and amenities;**
 - q. **Management of all building and construction waste, including any measures to recycle materials generated during construction;**
 - r. **Locations of cut and fill stockpiles;**
 - s. **The gravel and any other approved soil-derived material used in the construction of pedestrian links and paths must be guaranteed Phytophthora free;**
 - t. **A liaison officer for contact by residents and the responsible authority in the event of relevant queries or problems experienced;**
 - u. **Timing of bulk earth works. The CMP must detail conditions that will cause bulk earth works to be suspended (for example after significant and prolonged rain event);**
 - v. **Reporting requirements to demonstrate compliance with the latest revision of the following documents:**
 - i. **EPA guidelines for Major Construction Sites and Techniques for Sediment Pollution Control and other provisions of the approved EMP;**
 - ii. **Best Practice Environmental Management Guidelines for Urban Stormwater;**
 - iii. **Environmental Guidelines for Urban Stormwater (EPA Publication)**
 - iv. **Construction Techniques for Sediment Pollution Control (EPA Publication)**

- 12. The Construction Management Plan, once endorsed, will form part of this permit. All works constructed or carried out must be in accordance with the approved Construction Management Plan. All care must be taken to minimise the effect of construction activity on the amenity of the surrounding neighbourhood. Once endorsed the Construction Management Plan must not be altered except with the written consent of the responsible authority.**

Amenity

- 13. The development must be managed during construction so that the amenity of the area is not detrimentally affected through the:**
- a. Transport of materials, goods, or commodities to or from the land;**
 - b. Appearance of any building, works or materials;**
 - c. Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, litter, dust, waste water, waste products, grit, or oil; and**
 - d. Presence of vermin or animals.**
- 14. No mud, dirt, sand, soil, clay, stones, oil, grease, scum, litter, chemicals, sediments, gross pollutants, animal waste or domestic waste shall be washed into, allowed to enter, or discharged to the stormwater drainage system, receiving waters or surrounding land and road reserves, during the construction works hereby approved to the satisfaction of the responsible authority.**

Time for Starting and Completion

- 15. This Permit will expire if:**
- a. The development does not start within 2 years from the date of this Permit; or**
 - b. The development is not completed within 4 years of the date of this Permit.**

The responsible authority may extend the time referred to if a request is made in writing before this Permit expires or within six months after the expiry date if the development has not commenced.

If the development has lawfully commenced, the responsible authority may extend the time referred to if a request is made in writing within twelve months of the expiry date.

Permit Notes

A. Building permit may be required

This permit does not constitute any authority to conduct any building works or occupy the building or part of the building unless all relevant building permits are obtained.

B. Asset Protection Permit

Unless exempted by the Bass Coast Shire, an Asset Protection Permit must be obtained prior to the commencement of any proposed building works, as defined by Local Law No. 1 Neighbourhood Amenity 2012. Bass Coast Shire Council's Asset Protection Officer must be notified in writing at least 7 days prior to the building works commencing or prior to the delivery of materials/equipment to the site.

C. Road Occupation Permit

A Bass Coast Shire Road Occupation Permit must be obtained prior to the commencement of the construction of all new vehicle crossings and for the upgrading, alteration, or removal of existing vehicle crossings. The relevant fees, charges and conditions of the Road Occupation Permit will apply to all vehicle crossing works. It is a requirement that all vehicle crossing works be inspected by Bass Coast Shire Council's Asset Protection Officer.

D. Stormwater Discharge Point

A Bass Coast Stormwater Discharge Point must be obtained prior to the connection of all new stormwater drainage into Bass Coast Council's stormwater drainage system. All new stormwater drainage connections must be inspected by Bass Coast Council's Asset Protection Officer before any backfilling of the connection is undertaken.

E. Planning permission

Nothing in the grant of this permit should be construed as granting any permission other than planning permission for the purpose described. It is the duty of the permit holder to acquaint themselves, and comply, with all other relevant legal obligations (including any obligation in relation to restrictive covenants and easements affecting the site) and to obtain other required permits, consents, or approvals.

F. Failure to Comply

Any failure to comply with the conditions of this permit may result in action being taken to have an Enforcement Order made against some or all persons having an interest in the land and may result in legal action or the cancellation of this permit by the Victorian Civil and Administrative Tribunal.

G. Retention of Existing Street Trees

Nothing in the permit hereby issued may be construed to allow the removal of, damage to or pruning of any street tree without the further written consent of the Bass Coast Shire Council. Contact Council Arborists on BCOAST (226 278) or (03) 5671 2211 for further information.

H. Permit to Building Surveyor

The permit holder/applicant/owner must provide a copy of the Planning Permit to any appointed Building Surveyor. It is the responsibility of the permit holder/applicant/owner and the Building Surveyor to ensure that the development approved by this Permit is consistent with any Building Permit approved and that all works are consistent with the endorsed plans approved under this Planning Permit.

Attachments

AT-1	Attachment 1 - Development Plans	5 Pages
AT-2	Attachment 2 - Landscape Plans	1 Page
AT-3	CONFIDENTIAL - Attachment 3 - Submissions	2 Pages

Council Decision

Moved: Cr. Bruce Kent / Seconded: Cr. Rochelle Halstead

That the recommendation be adopted.

CARRIED

H.4 Planning Application 220277 - Development of the land for a dwelling in a Design and Development Overlay (DDOI)

File No: CM22/555
Division: Place Making
Council Plan Strategic Objective: Sustainable Development

Prepare for growth while ensuring the intrinsic values and character of Bass Coast are retained.

Declaration

The author has no direct or indirect interests in relation to this report.

Purpose of Report

For Council to consider a planning application for the construction of a dwelling in the Design and Development Overlay (Schedule 1) at 64 The Esplanade, Cape Woolamai.

Executive Summary

Application number:	220277
Applicant:	Joanne Tait & Stephen Curnow C/- Deb Linkins Beveridge Williams & Co Pty Ltd.
Land/Address:	64 The Esplanade, Cape Woolamai VIC 3295
Ward:	Western Port Ward
Proposal:	Development of land for a dwelling in a Design and Development Overlay (DDOI)
Zone:	General Residential Zone – Schedule 1 (GRZ1)
Overlay:	Design and Development Overlay – Schedule 1 (DDOI) Vegetation Protection Overlay – Schedule 2 (VPO2)
Aboriginal cultural heritage sensitivity	The site is located in an area of Aboriginal Cultural Heritage Sensitivity, however the development of the land for a single dwelling is an exempt activity pursuant to regulation 9(1)(a) of the <i>Aboriginal Heritage Regulations 2018</i> .
Title:	Lot 1056 on Plan of Subdivision 053097 in Volume 08573 Folio 134 The land is encumbered by a 2.44m easement along the rear boundary set aside for the purposes of drainage and sewerage.
Number of submissions:	A total of five (5) objections were received.

Reason a Council decision is required:	Council's delegations require applications that attract five or more objections to be determined by Council. This application attracted five objections.
Officer recommendation:	Notice of Decision to Grant a Planning Permit

Summary of Officer Recommendation

That Council issue a Notice of Decision to Grant a Planning Permit subject to conditions outlined in the Officer Recommendation section of this report.

The proposal is recommended for support for the following reasons:

- The proposed development is consistent with the objectives of Local and State Planning Policy.
- The proposed development is consistent with the purpose of the underlying Zone on the subject site.
- The proposed development is consistent with the design intent of Schedule Four to the Design and Development Overlay.

The Proposal

This application proposes to construct a replacement dwelling in accordance with development plans prepared by JJC Design & Associates. The decision plans are provided as Attachment one and are detailed below:

- Development Plans prepared by JJC Design & Associates, project 3108, dated 28/06/2022 (20 Pages).
- Arborist Report prepared by Jardine Johnstone, dated June 2022.

Key features of the proposal include:

- Construction of a two-storey dwelling on the subject land, including an additional basement, with four bedrooms, four bathrooms, an enclosed suspended pool on the first floor, and a second-floor rooftop deck.
- Provision of two car parking spaces in the basement of the dwelling, both with electric vehicle charging stations.
- Removal of 3 trees from the subject site, not subject to planning consideration through applicable exemptions discussed in latter sections of this report.
- A maximum building height of 8.3 metres above ground level.

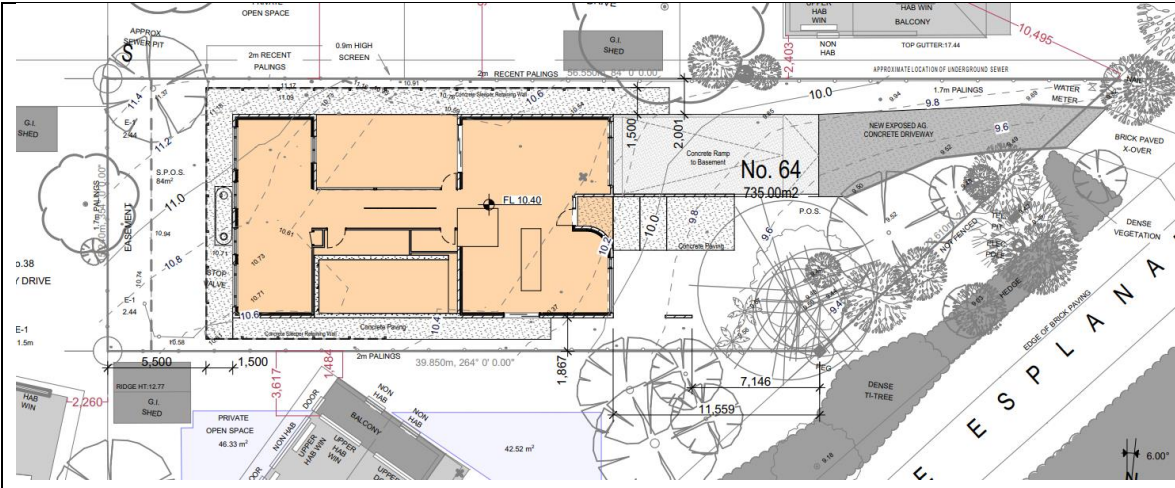


Figure 1 - Proposed Plans

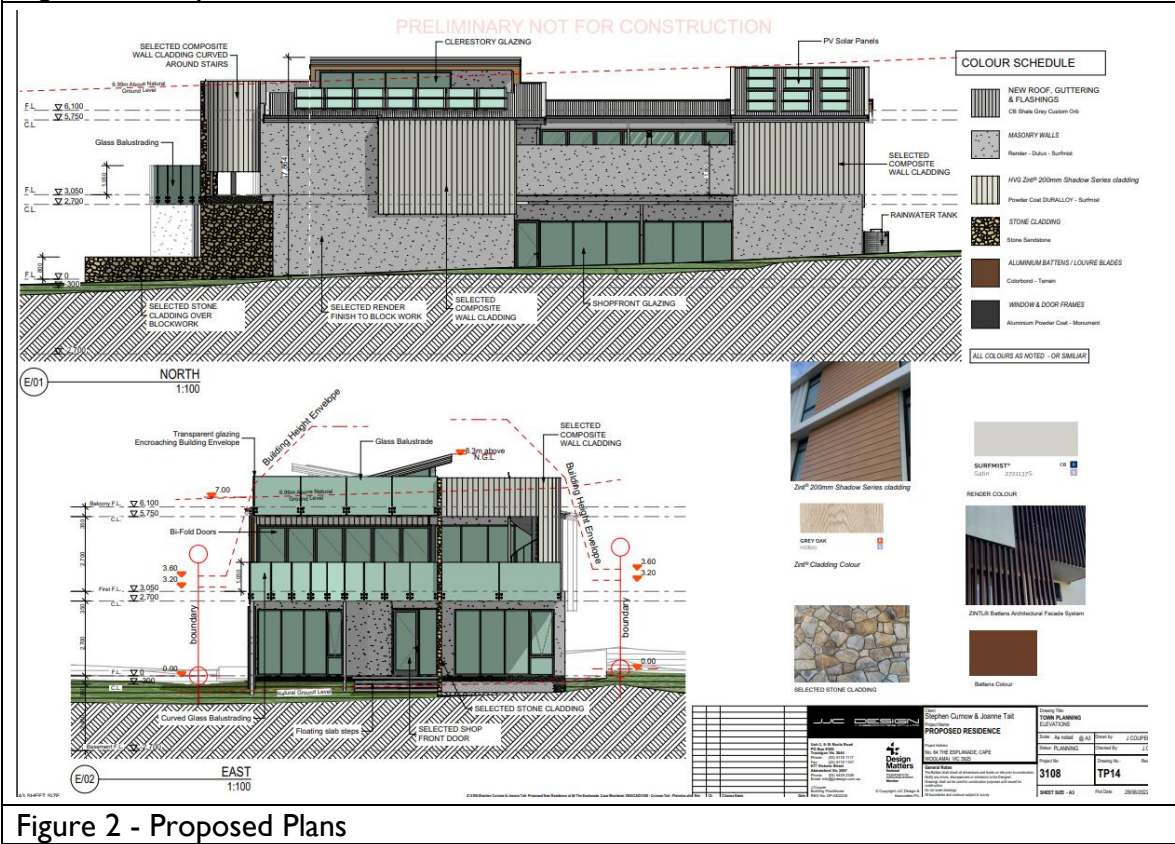


Figure 2 - Proposed Plans

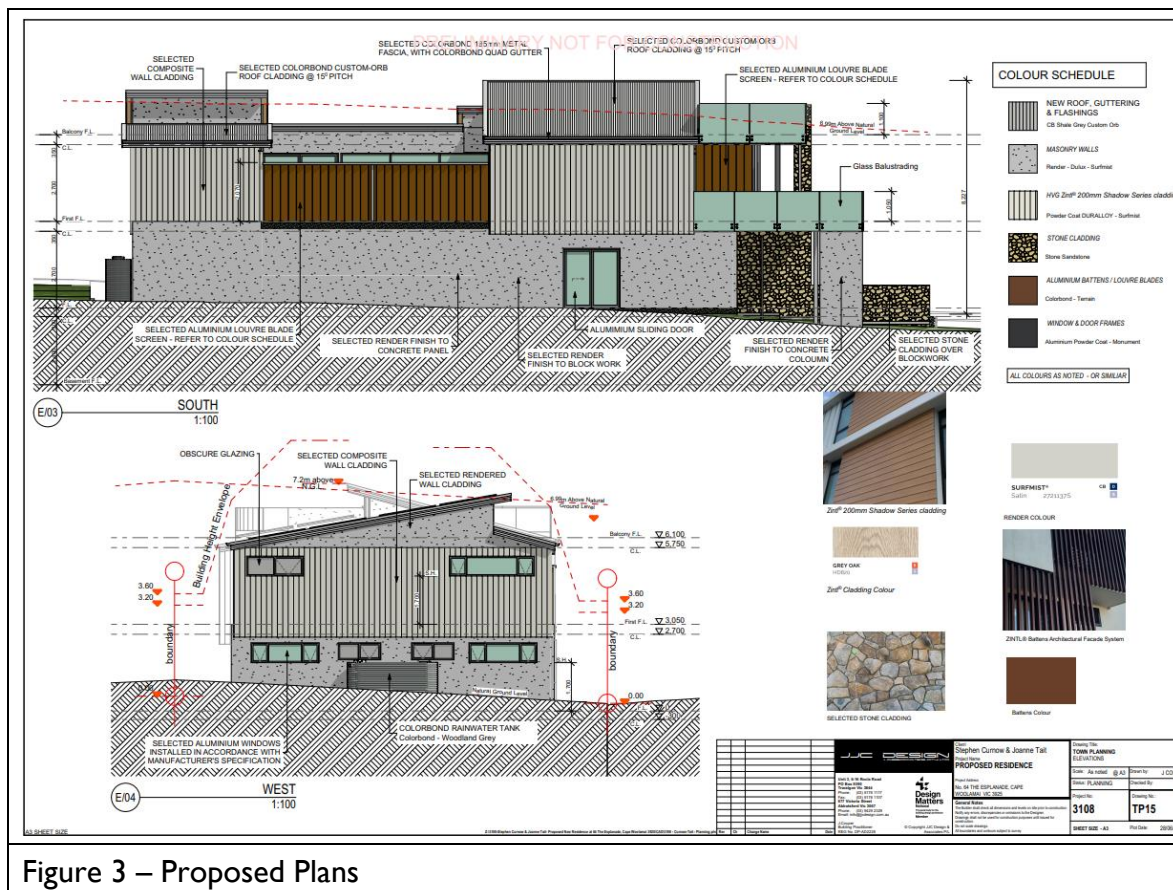


Figure 3 – Proposed Plans

Subject Site and Surrounds

The site is located on the western side of The Esplanade, between Maroubra Drive to the north and Manly Avenue to the south. The site is a semi-rectangular shaped lot with a 22.61 metre frontage to The Esplanade, a maximum depth of 56.5 metres and a site area of 735 square metres.



Figure 4 - Aerial photograph of subject site (Source: Council's GIS System, dated 21 September 2022)

The site is developed with an existing double storey dwelling located towards the rear of the subject site and contains some mature vegetation within the frontage of the land.



Figure 5 - View of subject site looking south-west across the front of the site (Source: Page 01 of Site Photos prepared by Beveridge Williams, dated 25/07/2022).

The subject site is located in the township of Cape Woolamai, approximately 1 kilometer south-east of the small commercial area of Cape Woolamai. The Wooli General Store and take-away is located approximately 350 metres to the south-west of the subject site. San Remo is located approximately 5 kilometers via Phillip Island Road to the north-east. San Remo has a supermarket, health and education services, and other local services and facilities.

The dwellings in the surrounding area are a mix of older and contemporary design. Built form in the immediate neighbourhood is a mixture of single dwellings on allotments constructed in a variety of styles and scales, with some medium density development emerging.

The Esplanade is constructed of brickwork with grass shoulders and open drains and has vegetation in the road reserve. The foreshore reserve is opposite the subject site.

The main characteristics of the surrounding area are:

North	Adjoining the land to the north are three lots, being 62 The Esplanade, 39 Maroubra Drive and 41 Maroubra Drive. These lots are approximately 550-600 square metres in area, each containing an existing double storey dwelling and substantial mature vegetation within the context of residential allotments.
South	Adjoining the land to the south is 66 The Esplanade. This lot is approximately 705 square metres in area and contains a double storey dwelling with a pitched roof, with primary access facilitated via Manly Avenue. The lot contains some mature vegetation however is largely cleared.
East	Adjoining the land to the east is a foreshore reserve owned by the Department of Environment, Land, Water and Planning.
West	Adjoining the land to the west is 38 Manly Avenue. This lot is approximately 625 square metres in area and contains a double storey dwelling with a pitched roof. The lot contains substantial native vegetation



Figure 6 – Site and surrounds

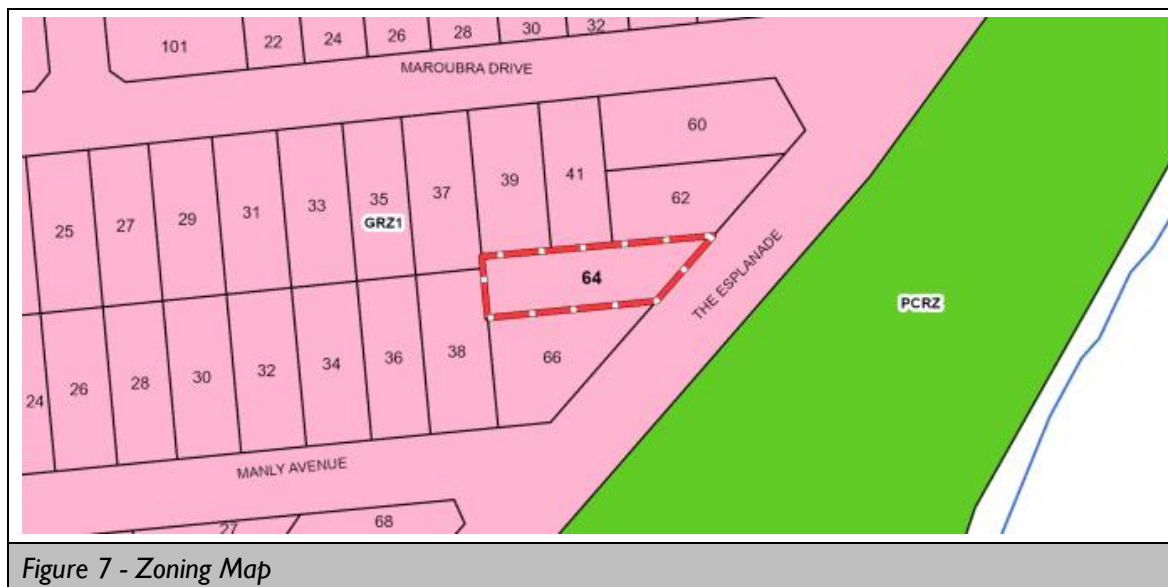


Figure 7 - Zoning Map

Consultation

Notice of the application was required under Section 52 of the *Planning & Environment Act 1987*, as the responsible authority was not satisfied that the grant of the permit would not cause material detriment to any person.

The Applicant gave notice in the following manner:

- Sent copies of the Notice by registered mail to seven land owners and occupiers;

In response to notification the application attracted five submissions comprising five objections (including one submission not formally notified)

A copy of each submission is included in Attachment two.

The submitter concerns and comments are summarised further in this report including a Council Officer response in the table provided.

The applicant has provided a response to objections which is provided as Attachment three.

Referrals

The following table outlines the referral requirements of this application.

Referral Authority	Comments
External (Section 55 of the <i>Planning and Environment Act 1987</i>)	
N/A	N/A
Internal (Section 52 of the <i>Planning and Environment Act 1987</i>)	
N/A	N/A

Planning scheme provisions

Planning Policy Framework Assessment

The relevant Planning Policy Framework clauses are as follows:

VPP00 Purpose and Vision

Clause 02 – Municipal Planning Strategy

- Clause 02-01 Context
- Clause 02-02 Vision
- Clause 02-03 Strategic direction

VPP11 Settlement

Clause 11.01 - Victoria

- Clause 11-01-IS Settlement
- Clause 11-01-IR Settlement – Gippsland
- Clause 11-01-IL-01 Settlement
- Clause 11-01-IL-16 – Cape Woolamai

VPP 12 Environmental and Landscape Values

Clause 12.02 Coastal areas

- Clause 12.02-IS Protection of coastal areas
- Clause 12.02-IL Protection coastal areas
- Clause 12.02-2S Marine and coastal Crown land

Clause 12.05 Significant Environments and Landscapes

- Clause 12.05-2S Landscapes
- Clause 12.05-22L-01 Landscapes
- Clause 12.05-2L-02 Landscape character areas

VPP 13 Environmental Risks and Amenity

Clause 13.01 Climate Change Impacts

- Clause 13.01-IS Natural hazards and climate change
- Clause 13.01-2S Coastal inundation and erosion
- Clause 13.01-2L Coastal inundation and erosion

Clause 13.02 Bushfire

- Clause 13.02-IS Bushfire planning
- Clause 13.02-IL Bushfire planning

VPP 15 Built Environment and Heritage

Clause 15.01 Built Environment

- Clause 15.01-IS Urban design
- Clause 15.01-IL-01 Urban Design in Bass Coast

- Clause 15.01-1L-02 Landscape design
- Clause 15.01-2S Building design
- Clause 15.01-2L Building design
- Clause 15.01-5S Neighbourhood character
- Clause 15.01-5L Neighbourhood character

VPP 16 Housing

Clause 16.01 Residential Development

- Clause 16.01-IS Housing supply
- Clause 16.01-1L Housing supply
- Clause 16.01-2S Housing affordability

VPP 19 Infrastructure

- Clause 19.03-3S Integrated water management
- Clause 19.03-3L Integrated water management

The intent of the relevant policies is to recognise the importance of accommodating development within established settlement boundaries in order to limit the impact on the character of the area and coastal areas.

The following provides an assessment of the proposal against the relevant Planning Policy Framework (PPF) under the themes of Settlement, Coastal Areas, Built Environment and Heritage, Housing and Infrastructure.

The PPF recognises the importance of accommodating development within established settlement boundaries in order to limit the impact on the character of the area and coastal areas. The PPF further seeks to ensure that a sufficient supply of land is available for residential use and encourages the consolidation of urban areas within settlement boundaries if that development respects existing neighbourhood character.

Cape Woolamai is defined at Clause 02.03 (Strategic Direction – Settlement) as a Hamlet with low spatial growth capacity and an identified potential for growth within existing urban or appropriately zoned land, primarily through infill capacity and within defined settlement boundaries.

Cape Woolamai is situated at the head of the Cape and is almost entirely made up of detached residential dwellings. A small set of commercial buildings are located at the entry to Cape Woolamai at Vista Place.

Clause 11.01-1R (Gippsland) of the Planning Scheme includes a strategy to support the continuing role of towns and small settlements in providing services to their districts, recognising their relationships and dependencies within larger towns and Clause 16.01-2S (Housing Affordability) provides further objectives and strategies that are to be considered for residential development.

The proposed single dwelling on the subject site is considered to be consistent with the intent of these objectives and strategies related to residential development. It is considered that the proposal is consistent with the Bass Coast Planning Scheme where it directs development and growth within existing settlement boundaries to reduce pressure on the settlement boundaries and maintain open breaks between townships.

Clause 15.01-1S (Urban Design) and Clause 15.01-2S (Building Design) seeks to ensure that proposed developments present a building design outcome that positively contributes to the local context and is congruent with the existing and/or emerging character of the immediately surrounding area. In this context it is considered that the proposal presents a satisfactory design response through the provision of a modern double-storey built form consistent with surrounding development, and inclusive of sufficient setbacks to property boundaries to reduce adverse built form impacts to the neighbourhood character. The development is therefore considered to further result in a satisfactory design response consistent with the objectives of Clause 15.01-5S (Neighbourhood Character).

The proposed dwelling is therein considered to have merit when consideration is given to the broader state and local policies related to the development of residential land for a single dwelling.

Zone Assessment

Clause 32.08 – General Residential Zone

The purpose of the General Residential Zone is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To encourage development that respects the neighbourhood character of the area.*
- *To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.*
- *To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.*

It is noted that a Planning Permit is not required pursuant to the provisions of the zone as the subject site has an area greater than 300 square metres.

Irrespective of whether a Planning Permit is required, a development is required to comply with the provisions of Clause 32.08-4, wherein a single dwelling on a lot of over 650 square metres must provide a minimum of 35% garden area.

The proposal sets aside 54.01% (397 square metres) of the site for garden area and therefore, the application is consistent with the minimum garden area requirement under the zone.

Overlay Assessment

Clause 43.02 – Design and Development Overlay (Schedule 1)

The design objectives outlined in Schedule 1 of the overlay include:

- *To protect views from the coast to adjacent residential areas.*
- *To protect views to the coast from adjacent residential areas.*
- *To minimise the impact of development along the coastline.*
- *To protect and enhance the visual amenity and landscape of the coastal area.*
- *To respond to the potential coastal impacts of climate change.*

Schedule I also contains the following (as relevant) decision guidelines which have formed part of this assessment:

- *The siting and design of proposed development in response to background documents Design and Siting Guidelines for Coastal Areas and Rural Hinterland 1999, and Siting and Design Guidelines for Structures on the Victorian Coast (Victorian Coastal Council 1998).*
- *The maintenance and improvement of the visual quality of the coastal landscape.*
- *The preservation of views from the waters of Western Port, Bass Strait, and Anderson Inlet.*
- *The protection of views from coastal roads.*
- *The intensity of human activity that the coastal landscape and environment can sustain.*
- *The siting, colour and design of buildings.*
- *The protection of the area for its recreational value.*
- *The need for landscaping or vegetation screening.*
- *The location, dimension and level of any excavation or alteration to the natural surface including works to stabilise buffers in areas of fill or excavation.*
- *The works to control drainage and stormwater run-off from any building, access road or driveway.*

The application is considered to be consistent with the objectives of the Design and Development Overlay as the proposed development is consistent with the Design and Siting Guidelines for Coastal Areas and Rural Hinterland (1999) in that the development aims to minimise any impacts felt on the streetscape or surrounding area in regard to the overall height of the building.

Further, the proposed development does not aim to construct a dwelling with excessive height in comparison to neighbouring dwellings nor will it exceed adjacent buildings by more than a storey in height.

The design, colours and materials of the proposed dwelling will not impact upon on adjacent dwelling's views to the coast. The subject site is located within an existing residential settlement and well setback from the coast, and it is therefore considered that the proposal will not present a substantial built form when viewed from the coast given the existing built form within the surrounding area.

Further to this, the location of the development within an existing settlement will be of minimal impact to views from nearby coastal roads with outlook to or from the coastline. Views from the coast to the site will be distant and consistent with the general view to this part of Cape Woolamai, which features single dwelling developments on graduated slopes, built to take advantage of coastal views.

The dwelling is located in an area featuring new and existing dwellings of similar scale to that proposed. The visual amenity and landscape character of the coastal area will be retained, as the proposed dwelling will be confined to an existing allotment in an established residential area. The character of development in this area is demonstrated by evolving development which is prominent, and clearly visible from public areas and the coast.

The proposal follows section 3.1.3 of the Siting and Design Guidelines for Structures on the Victorian Coast (Victorian Coastal Council 1988) by proposing a new dwelling in a residential setting, therefore 'grouping structures' as encouraged by the guideline.

The subject site is located within the General Residential Zone, whereby the intended purpose is to provide for low-moderate scale residential development on generously sized lots. Furthermore, the site is within the existing township boundaries and therefore will not result in an increase in human activity within the natural landscape.

Whilst the development presents a large double storey built form with a maximum height of 8.3 metres, the majority of the bulk of the dwelling is situated below 7m in height, presenting a wall height of up to 6 metres, and includes a well-articulated intrinsic design which contains a variety of building materials, as well a sufficient level of upper level recession on the front setback.

The proposal presents generous setbacks to all boundaries consistent with the emerging surrounding neighbourhood character of single dwellings on a lot and provides a sufficient amount of private open space to the front and rear of the dwelling to accommodate substantial landscape planting. The proposal does not require the removal of any vegetation on the subject site and will not have an impact on any vegetation within the road reserve. The proposal has been accompanied by a sufficient landscape plan, and it is noted that a condition will be included on the permit should one issue to include additional canopy and screening planting in the front setback.

Other Policy and Guidance

The Siting and Design Guidelines for Structures on the Victorian Coast (Department of Environment, Land, Water and Planning, 2020)

The Siting and Design Guidelines outline the best practice for the design of structures on the Victorian coast.

The Guidelines are for individuals and groups to use when planning projects on the coast and will support sustainable development. They address the threats of climate change and population growth as well as helping to care for Victoria's coast and apply to the planning and management of matters relating to, and affecting, the marine and coastal environment.

As defined in the *Marine and Coastal Act 2018*, the marine and coastal environment includes all private and public land and waters between the outer limit of Victorian coastal water and five kilometres inland of the high-water mark of the sea,

Concerns Raised By Submitters

The following table summarises submissions into themes and provides a discussion on planning merit:

Submitter Theme	Council Officer Response
Excessive building height	Refer to the assessment component of this report for a detailed analysis against the objectives of the Design and Development Overlay – Schedule 1. Whilst it is acknowledged that the proposed dwelling will present a maximum building height of 8.2m and some objections sought for the height to

	<p>be reduced below 7m, this reduction would result in no permit triggers for the development.</p> <p>Although Schedule 1 to the Design and Development Overlay sets a preferred maximum height of 7m, an application can be made to allow a development in excess of 7m.</p> <p>The proposed maximum building height exceeds the DDO1 height preference by 1.2m; however, the extent of the building exceeding this height preference is entirely isolated to the ridgeline of the proposed roof truss. As outlined in previous sections of this report, the majority bulk of the dwelling (i.e. the maximum wall height) sits below 7m and presents a multi-faceted and well-articulated design.</p>
Setting a Precedence	<p>Whilst the DDO1 sets a preferred maximum building height, it is not intended to be the 'absolute' maximum height, and provision is made within the scheme to allow development to exceed this height at the discretion of the responsible authority.</p> <p>Any further development in the area proposed to be over a building height of 7m would require a Planning Permit and would be independently assessed in accordance with the requirements of the Bass Coast Planning Scheme, and any decision would be at the discretion of the responsible authority as to whether that future development is considered to be appropriate.</p>
Loss of view	<p>Whilst two of the key objectives of the DDO1 are to protect views from the coast to adjacent residential areas, and to protect views to the coast from adjacent residential areas, the development in its proposed form is considered to present a satisfactory design response with respect to existing view lines.</p> <p>The subject site is located in an existing residential area that has generally been developed with single and double storey dwellings, wherein double storey development is generally perceived as being an appropriate design response.</p> <p>It has been a well-established precedent through the Tribunal "that properties away from the foreshore and intercepted by other lots cannot expect no compromise of views. It is also of the view that protection of the entire existing views over the review site cannot be guaranteed to stay forever". (Webb v Mornington Peninsula SC [2007] VCAT 741).</p>

	<p>In consideration of the impacts to views already present on the site from the existing dwelling, it is noted that the proposal is sited in a comparable position to the existing and presents a similar extent of built form. Whilst it is acknowledged that the proposal may result in some additional impacts to views due to the extent of the roof height, it is considered that the proposal provides an appropriate design response respectful of view-sharing within the streetscape.</p> <p>When viewed from the coast, the development will be partially screened utilising existing vegetation within the foreshore reserve and will present a wall height on the northern elevation comparable to the existing dwelling. It is considered that the development has provided a satisfactory design response which addresses the parameters envisioned in Schedule 1 to the Design and Development Overlay.</p>
Hours/noise/vibrations from construction	<p>Noise and truck movements during the construction of development are a temporary and unavoidable consequence and not justification to withhold development of the site.</p> <p>Construction techniques and effects – noise, dust, stability of existing foundations and damage to nearby dwellings are not a consideration under the Planning & Environment Act and the permit holder will be required to comply with all relevant EPA requirements.</p>
Failure to Comply with the Objectives set out in Schedule to the Design and Development Overlay	<p>As outlined in earlier sections of this report, the application has been assessed as providing a appropriate design response within the context of the objectives of Schedule 1 to the Design and Development Overlay. In particular the schedule sets out that consideration needs to be given to the impact of development along the coastline and to the protection and enhancement of visual amenity and landscape of the coastal area.</p> <p>The proposal presents an appropriate design response of high architectural integrity and is considered to provide a positive contribution to the existing residential areas within the Shire of Bass Coast.</p> <p>The architecture employed with the proposal aligns with the emerging character of the area and maintains a double storey built form consistent with surrounding development. It is considered that the use of contemporary design elements will ensure a high architectural quality to the</p>

	development, and more importantly high points of the development are centered within the site, with building heights decreasing towards side boundaries to reduce the visual impact when viewed from neighbouring allotments.
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Conclusion

The application has been assessed against the Bass Coast Planning Scheme and is considered to be generally in accordance with the Planning Policy Framework, Local Planning Policy Framework, and decision guidelines of Schedule 1 to the Design and Development Overlay.

The application underwent notification and as a result there were five submissions received. Concerns raised by submitters were considered in the assessment of the application.

It is recommended that Council resolve to issue a notice of decision to grant a Planning Permit for planning application 220277, subject to conditions.

Recommendation

That in relation to Planning Permit application 220277 for the development of land for a dwelling in the Design and Development Overlay (DDOI) located at 64 The Esplanade, Cape Woolamai, Council resolves to issue a Notice of Decision to Grant a Planning Permit subject to the following conditions

Amended plans required

- 1. Before the development commences, amended plans drawn to scale with dimensions must be submitted to and approved by the responsible authority. The plans must be generally in accordance with the plans submitted with the application but modified to show:**
 - a) An amended landscape plan in accordance with Condition 2;**
 - b) All to the satisfaction of the responsible authority. When approved, the plans will be endorsed and will then form part of this Permit.**

Landscape Plan to be modified

- 2. Concurrent with the submission of plans required by Condition 1 and before the commencement of buildings and works an electronic copy of a Landscape Plan (drawn to scale with dimensions) to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. The Landscape Plan must be generally in accordance with the landscape concept plan submitted with the application, except that the plan must show:**
 - a) The addition of a minimum of three canopy trees capable of reaching a height of at least five metres in the following locations:**
 - i. Two in the front setback;**
 - ii. One in the rear setback.**

- b) **A 100% incorporation of indigenous plants selected from the Indigenous Plants of Bass Coast Shire brochure.**
- c) **The Tree Protection Zones and methods provided in the Arboricultural Report prepared by Jardine Johnstone, dated June 2022**

When approved, the plan will be endorsed and will then form part of the permit.

Completion and maintenance of landscaping

- 3. **Within 3 months of the completion of the dwelling or within the next applicable planting season, whichever is the earlier; the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the responsible authority. The landscaping must thereafter be maintained to the satisfaction of the responsible authority, including that any dead, diseased or damaged plants are to be replaced.**
- 4. **The development must be undertaken in accordance with the recommendations of the Arboricultural Report prepared by Jardine Johnstone and dated June 2022, to the satisfaction of the responsible authority.**

Layout not to be altered – Development

- 5. **The development as shown on the endorsed plans must not be altered without the written consent of the responsible authority.**

Amenity

- 6. **The development must be managed during construction so that the amenity of the area is not detrimentally affected through the:**
 - a) **transport of materials, goods or commodities to or from the land;**
 - b) **appearance of any building, works or materials;**
 - c) **emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, litter, dust, waste water, waste products, grit or oil; and**
 - d) **presence of vermin or animals.**
- 7. **Mud, dirt, sand, soil, clay, stones, oil, grease, scum, litter, chemicals, sediments, gross pollutants, animal waste or domestic waste shall be washed into, allowed to enter or discharged to the stormwater drainage system, receiving waters or surrounding land and road reserves, during the construction works hereby approved to the satisfaction of the responsible authority**

Time for Starting and Completion (for Permits authorising development or development & use)

- 8. **This Permit will expire if:**
 - a) **The development does not start within 2 years from the date of this Permit; or**

- b) The development is not completed within 4 years of the date of this Permit.

The responsible authority may extend the time referred to if a request is made in writing before this Permit expires or within six months after the expiry date if the use/development has not commenced.

If the development has commenced, the responsible authority may extend the time referred to if a request is made in writing within twelve months of the expiry date.

PERMIT NOTES

A. Building permit may be required

This permit does not constitute any authority to carry out any building works or occupy the building or part of the building unless all relevant building permits are obtained.

B. Planning permission

Nothing in the grant of this permit should be construed as granting any permission other than planning permission for the purpose described. It is the duty of the permit holder to acquaint themselves, and comply, with all other relevant legal obligations (including any obligation in relation to restrictive covenants and easements affecting the site) and to obtain other required permits, consents or approvals.

C. Failure to Comply

Any failure to comply with the conditions of this permit may result in action being taken to have an Enforcement Order made against some or all persons having an interest in the land and may result in legal action or the cancellation of this permit by the Victorian Civil and Administrative Tribunal.

D. Build Over Easement

Separate consent is required to build over the easement. It will be necessary to obtain consent from all relevant authorities prior to construction. Please note that consent may or may not be given, depending on specific site circumstances and conditions.

E. Retention of Existing Street Trees

Nothing in the permit hereby issued may be construed to allow the removal of, damage to or pruning of any street tree without the further written consent of the Bass Coast Shire Council. Contact Council Arborists on BCOAST (226 278) or (03) 5671 2211 for further information.

F. ResCode (residential siting) not assessed

This permit application was not assessed against the provisions of Clause 54 – One Dwelling on a Lot (ResCode) of the Bass Coast Planning Scheme. As such, it is the responsibility of the applicant/owner to appoint a Registered Building Surveyor to determine compliance of the endorsed plans associated with the issue of this Planning Permit against Part 5 of the *Building Regulations 2018*. Non-compliance with any Regulation under Part 5 will require the report and consent from Council's Building Department.

G. Permit to Building Surveyor

The permit holder/applicant/owner must provide a copy of the Planning Permit to any appointed Building Surveyor. It is the responsibility of the permit holder/applicant/owner and the Building Surveyor to ensure that the development approved by this Permit is consistent with any Building Permit approved and that all works are consistent with the endorsed plans approved under this Planning Permit."

H. Bushfire Prone Area

This site is located within a designated Bush Fire Prone Area. Compliance with AS3959 is required.

I. Asset Protection Permit

Unless exempted by the Bass Coast Shire, an Asset Protection Permit must be obtained prior to the commencement of any proposed building works, as defined by Local Law No. 1 Neighbourhood Amenity 2012. Bass Coast Shire Council's Asset Protection Officer must be notified in writing at least 7 days prior to the building works commencing or prior to the delivery of materials/equipment to the site.

J. Road Occupation Permit

A Bass Coast Shire Road Occupation Permit must be obtained prior to the commencement of the construction of all new vehicle crossings and for the upgrading, alteration, or removal of existing vehicle crossings. The relevant fees, charges and conditions of the Road Occupation Permit will apply to all vehicle crossing works. It is a requirement that all vehicle crossing works be inspected by Bass Coast Shire Council's Asset Protection Officer.

K. Stormwater Discharge Point

A Bass Coast Stormwater Discharge Point must be obtained prior to the connection of all new stormwater drainage into Bass Coast Council's stormwater drainage system. All new stormwater drainage connections must be inspected by Bass Coast Council's Asset Protection Officer before any backfilling of the connection is undertaken.

Attachments

AT-1 Attachment 1 - Development Plans 20 Pages

AT-2 **CONFIDENTIAL** - Attachment 2 - Submissions 24 Pages

Council Decision

Moved: Cr. Bruce Kent / Seconded: Cr. Rochelle Halstead

That the recommendation be adopted.

CARRIED

H.5 Asset Management Policy and Strategy Review

File No:	CM22/539
Division:	Place Making
Council Plan Strategic Objective:	Leading for our Community
	Demonstrating leadership through good governance, transparency and accountability

Declaration

The author has no direct or indirect interests in relation to this report.

Summary

The purpose of this report is to present the reviewed Asset Management Policy and Asset Management Strategy documents for adoption. A review of the Asset Management Policy and Strategy was carried out according to the adopted Policy review cycle.

The objectives of the Asset Management Policy for Infrastructure Assets 2022-2026 (the Policy) and the Asset Management Strategy for Infrastructure Assets 2022-2026 (the Strategy) are to ensure:

- Council's commitment to manage and care for its infrastructure assets, integral to delivering services to the community.
- Asset Management processes conform to ISO 55000 and the requirements of the Victorian Local Government Better Practice Guide.
- A further shift toward service centric asset management.
- The Improvement Plan is implemented over the next four years, for the organisation to be one that is practicing service driven asset management and to reduce and remove the future risks of assets deteriorating.

The report recommends that Council:

1. Adopt the Asset Management Policy for Infrastructure Assets 2022-2026 (AT-1).
2. Adopt the Asset Management Strategy for Infrastructure Assets 2022-2026 (AT-2).

Background

The purpose of an Asset Management Policy and Strategy are to advance Council's asset management maturity to meet better practice asset management, in a structured and coordinated manner across the whole organisation to support sustainable service delivery. In May 2017 Council adopted a reviewed Asset Management Policy and the first iteration of Council's Asset Management Strategy.

The Policy includes:

- A clear direction, objectives and commitment for Infrastructure Asset Management.

- High level governance Asset Management roles and responsibilities.
- A policy framework for Asset Management activities.

The Strategy includes:

- National strategic context.
- State strategic context.
- Bass Coast Shire context – Council’s Vision, Priorities and Objectives.
- The state of Council’s Infrastructure Assets.
- Measuring Council’s Asset Management competencies.
- Improvement goals and actions.

A snapshot of intended outcomes from the Policy and the Strategy are:

- Achievement of the management objectives for community infrastructure and operational assets to meet the present and future needs of the community.
- Rationalisation of existing assets and the development of appropriate new assets to meet the needs of the Bass Coast Shire community for services now and into the future.
- Delivery of assets at the right cost, at the right time to the right standard.
- Development of asset management strategies consistent with Council’s declaration of a climate emergency.
- Council has a structured Long Term Financial Plan supported by service levels from the Asset Management Plans.
- Development of appropriate systems, procedures and controls to enable the above.
- Council stays on a continuous improvement journey to build on its asset management competencies and capabilities so that it becomes a ‘Better Practice’ organisation.

The Strategy Improvement Plan is implemented over the next four years, for the organisation to be one that is practicing service driven optimisation. This plan is summarised in Table I.

Table I: Asset Management Strategy Improvement Actions

Ref	Improvement Action
1	Continue to review Council’s Asset Management Plans on a four year cycle.
2	Establish a service structure and criticality framework.
3	Establish assessment guidelines for Council’s major infrastructure assets.
4	Review community and technical levels of service for buildings.
5	Document comprehensive community and technical levels of service for open space.
6	Document comprehensive community and technical levels of service for transportation.
7	Develop Council’s Asset Management skills and resources.

The table includes community levels of service in actions 4 to 6 which will require community consultation as they are developed. It is intended that these actions are implemented over the life of the Asset Management Strategy.

Strategic Basis

Council Plan Strategic Objective:

Our Places - *Strengthening the connection between people and the public places they share*

Leading for our Community - *Demonstrating leadership through good governance, transparency and accountability*

Governing Documents

Local Government Act 2020

Bass Coast Shire Asset Management Policy 2017-2021

Bass Coast Shire Asset Management Strategy 2017-2021

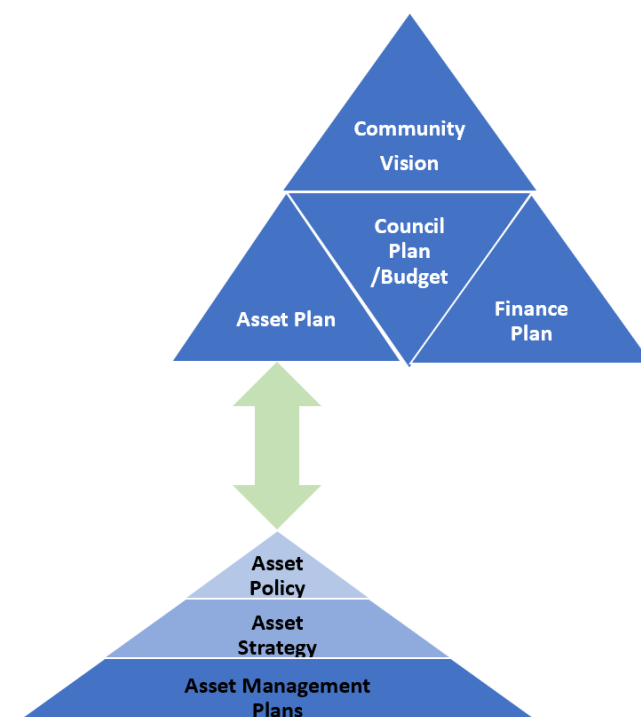
ISO 55000 - International Standard for Asset Management

Discussion

Council's services are reliant on Infrastructure Assets worth \$730m to replace, such as transport, flood protection, sport, recreation, arts and meeting places. Our infrastructure is ageing and our growing community is demanding more from it. To meet these asset management and service delivery challenges, Council needs to stay on a continuous improvement journey to build on its asset management competencies and capabilities so we know the state of our assets, what services they provide and to what standards, so with the right skills and tools we can reliably predict our future needs.

In an environment where the way we manage our Infrastructure Assets is largely discretionary, see below Diagram I, the Policy creates a meaningful nexus to develop Asset Management Plans to achieve Council's Vision and Council Plan by acting as overall stewards for infrastructure assets.

Diagram I - How the Policy and Strategy relates to the Asset Plan and Council's key strategic plans



The Policy and Strategy ensures resources are provided so Asset Management Plans are continuously updated to inform the Asset Plan which is a requirement under the Local Government Act 2020 Planning and Reporting Regulations.

The Policy documents Council's commitment to being a responsible custodian for community infrastructure and provides a framework to achieve better practice asset management outcomes.

The Policy also sets out an agreed framework to coordinate all asset management activities across the organisation to achieve better service delivery outcomes. Importantly the policy creates alignment with broader organisational service delivery, environmental and financial sustainability goals.

The Strategy sets out the state of our infrastructure, our community's challenges, the legislative context and a responsible improvement plan to ensure our focus remains on continual improvement to skills, systems and processes to achieve our objectives and legislative requirements.

Sustainability Implications

One of the key updates to the Policy is to introduce the requirement to develop asset management strategies consistent with Council's declaration of a climate emergency and 2030 zero emissions target. Furthermore the Strategy sets out a regular review cycle for Council's Asset Management Plans which will incorporate climate impacts in strategic asset modelling and exploration of climate resilient asset solutions.

Finances

Through the development of the improvement plan, the resources and finances required to implement the improvement actions have been considered. The timeline for implementation has been proposed based on Council officers undertaking the improvements in alignment with the Asset Management Plan review cycle and using existing operational budgets for provision of specialist skills to enhance in-house capacity.

Stakeholders

In accordance with internal policy and strategy document reviews, consultation was undertaken with input from key stakeholders across the organisation and an external asset management practices maturity assessment. Training and awareness was provided to stakeholders via an interactive workshop.

Feedback about the existing Asset Management Policy and Strategy documents was received through recent engagement with the community in relation to the development of Council's Asset Plan and this feedback was incorporated in the review process.

Conclusion

Council's asset management objective is to be in a position where we can predict what is likely to happen to our infrastructure and address it before the costs escalate sharply.

The Policy and Strategy have been reviewed to advance Council's asset management maturity to meet better practice asset management, in a structured and coordinated manner across the organisation.

By adopting the Policy and Strategy, Council will be refreshing its commitment to being responsible stewards for our community's infrastructure assets that are the foundation for delivery of Council's services.

Recommendation

That Council:

- 1. Adopt the Asset Management Policy for Infrastructure Assets 2022-2026 (AT-1).**
- 2. Adopt the Asset Management Strategy for Infrastructure Assets 2022-2026 (AT-2)**

Attachments

AT-1 DRAFT Asset Management Policy 8 Pages

AT-2 DRAFT Asset Management Strategy 32 Pages

Council Decision

Moved: Cr. Clare Le Serve / Seconded: Cr. David Rooks

That the recommendation be adopted.

CARRIED

H.6 Jam Jerrup - Special Charge Scheme - Initial Consultation

File No: CM22/557
Division: Place Making
Council Plan Strategic Objective: Our Places

Strengthening the connection between people and the public places they share

Declaration

The author has no direct or indirect interests in relation to this report.

Summary

The purpose of this report is to provide the outcome of the initial community consultation undertaken in response to a petition received by Council to seal Bay Road and Foreshore Road, Jam Jerrup under the Urban Road and Drainage Improvement Policy 2019.

A petition was received by Council at the 16 March 2022 Council Meeting, *Petition - Seal Bay Road & Foreshore Road*.

Council resolved at the 16 March 2022 Council Meeting:

1. That the petition, Seal Bay Road & Foreshore Road, be received, noting in accordance with the Governance Rules it does not adhere to section 54.6 and lie on the table until a future meeting of Council.
2. That the head petitioner be advised of Council's decision.

A Council report was presented at the Council at the 18 May 2022 with the following recommendations adopted.

That Council:

- Undertake initial community consultation and survey the property owners to confirm the percentage of owners willing to financially contribute towards a potential road and drainage upgrade project, as part of a special charge scheme in Jam Jerrup.
- In accordance with the Urban Road and Drainage Policy 2019, will consider the results of the consultation, and potential reprioritisation of Jam Jerrup road and drainage upgrades at a future Council meeting.

Engagement took place from 15 June 2022 to 10 August 2022. The purpose of the engagement was to identify what and where the community believed the issues in Jam Jerrup are. Council also provided property owners with a questionnaire, to find out whether they would like these issues to be addressed by Council and would be willing to financially contribute towards an upgrade project.

The results of the engagement showed that 46-47% of property owners see a need for a road and drainage upgrade and would be willing to financially contribute towards it.

Council has developed a priority list which prioritises all of the areas across Bass Coast that have unconstructed streets and inadequate drainage, with a view to upgrading these areas. The policy, which guides these projects, and their prioritisation, is Council's Urban Roads and Drainage Improvement Policy 2019.

Council's current priority list is to upgrade the areas of Pioneer Bay (just completed), Surf Beach / Sunderland Bay, Smiths Beach & Beachcomber Estate, Sunset Strip and then Koala Estate.

Council's Urban Road and Drainage Policy states that Council will consider including projects outside of the adopted Urban Upgrade Priority Program only if an approved percentage of property owners included within that project area actively support the project. For an area to be included in the Program, the percentage of property owners indicating that they would be willing to financially contribute to the project to is set at 70 per cent or more.

In the case of a community-supported project being included in the adopted Urban Upgrade Priority Program, the project will become an addition to the adopted Priority Program through Council resolution only, and will not impact delivery of the current adopted Priority Program.

The results of the engagement show that this level of support is not currently evident in Jam Jerrup.

This report provides the outcome of the initial community consultation and the following recommendations:

That Council:

- Retain the current priority program and evaluation list in the Urban Road and Drainage Policy 2019, to not include Jam Jerrup in the priority program.
- Investigate low cost interim treatment measures that can address dust and traffic safety issues along urban unsealed roads as part of a Council wide strategy
- Advise the head petitioning of the outcome of the initial community consultation and October Council meeting recommendations adopted.

Background

At the 16 March 2022 Council Meeting a petition containing 48 signatures was presented to Council (refer AT-1). The petition reads:

All residents have had their say with more than 70% wanting the road sealed. Being that we are a public beach we get a lot of tourist traffic and since COVID this has become increasingly worse, the dust is now becoming a health hazard too, particularly our drinking water.

The road is constantly having to be graded (at council's expense) due to corrugation caused by the amount of traffic we receive, particularly along Bay Road, residents are concerned about the damage caused to cars due to road conditions.

One disabled resident on Foreshore Road who takes his dog for a walk in his electric wheel chair has also complained the road surface not being satisfactory for wheel chair access, limiting his ability to get around.

Our understanding is at 70% plus we can have our road upgrade elevated up the list.

Council resolved at the 16 March 2022 Council Meeting:

1. That the petition, Seal Bay Road & Foreshore Road, be received, noting in accordance with the Governance Rules it does not adhere to section 54.6 and lie on the table until a future meeting of Council.
2. That the head petitioner be advised of Council's decision.

A Council report was presented at the Council at the 18 May 2022 with the following recommendations adopted.

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- In accordance with the Urban Road and Drainage Policy 2019, will consider the results of the consultation, and potential reprioritisation of Jam Jerrup road and drainage upgrades at a future Council meeting.

Engagement took place from 15 June 2022 to 10 August 2022. The purpose of the engagement was to identify what and where the community believed the issues in Jam Jerrup are. Council also provided property owners with a questionnaire, to find out whether they would like these issues to be addressed by Council and would be willing to financially contribute towards an upgrade project.

The results of the engagement showed that 46-47% of property owners see a need for a road and drainage upgrade and would be willing to financially contribute towards it. Council's Urban Road and Drainage Policy states that at least 70% of property owners need to indicate they would be willing to financially contribute towards the project if it is to be included in the immediate upgrade program. The results of the engagement show that this level of support is not currently evident in Jam Jerrup.

This report responds to the recommendations of the 18 May 2022 Council meeting resolution.

Strategic Basis

Council Plan Strategic Objective:

Our Places - Strengthening the connection between people and the public places they share

Governing Documents

The Local Government Act 2020 and the Road Management Act 2004 set out the statutory obligations that Council has in respect of local roads within the municipality.

There is no statutory obligation for Council to upgrade infrastructure within the Jam Jerrup area.

Bass Coast Planning Scheme (VC205)

Under the current Bass Coast Council Planning Scheme, there are a number of key objectives that each new development needs to achieve prior to it being approved.

In Clause 11.01-11.21 of the Bass Coast Planning Scheme there are the following strategies:

Avoid any further subdivision along Bay Road.

Protect and improve the linear foreshore reserve through discouraging the creation of additional tracks and drainage lines.

Protect the Ramsar site at Stockyard Point.

The Jam Jerrup Strategy Framework Plan in the Bass Coast Planning Scheme, notes to introduce a management plan to protect and enhance foreshore environment with regard to the narrow reserve and erosion and drainage problems.

In Clause 15.01-5L Neighbourhood Character of the Bass Coast Planning Scheme, there is an action, which this project specifically needs to address. With regards to neighbourhood character in the Jam Jerrup local area, the following is stated:

Protect Jam Jerrup's intimate village character, diverse built form and linear relationship with the foreshore.

Retain the strong unifying element of one main informal road for settlement that provides a protective edge to the fragile coastline.

Asset Management Policy 2017-2021

The intended outcomes of the policy and the processes that support it will facilitate:

Achievement of the management objectives for community, infrastructure and operational assets to meet the present and future needs of the community;

Custodianship of nature and heritage assets in perpetuity;

The rationalisation of existing assets and the development of appropriate new assets to meet the needs of the Bass Coast community for services at an appropriate level now and in the future;

The development or enhancement of the community capital of the Shire;

Delivery of assets at the right cost, at the right time with the right standard;

A service planning approach becoming a way of life at Bass Coast Shire; and

Development of appropriate system, procedures and controls to enable the above.

Urban Roads and Drainage Improvement Policy 2019

The main policy, which guides the implementation of projects such as this, is the Urban Roads and Drainage Improvement Policy (AT-2). The objectives of this policy are;

Establish Council's commitment to:

Improve the liveability of the built and natural environment by endeavouring to provide effective upgrades in urban infrastructure that meet the needs of an increasing population;

Enhance economic, social, environmental and cultural wellbeing of the community and ensure increasing community expectations are considered in decision making;

Ensure that infrastructure upgrades aid the achievement of the Council Plan, Planning Scheme and related Asset Management Plan objectives;

Enable and ensure the effective planning and implementation of urban road and drainage infrastructure upgrade projects by defining the principles to be applied.

The intended outcomes of the policy are:

Enable a robust and impartial priority based system for allocating finite Council resources for investment in urban road and drainage improvement projects;

Ensure that investment is undertaken in a financially sustainable manner and with the wellbeing of the Bass Coast community in mind; and

Enhance transparency and public confidence in Council's decision making process surrounding urban road and drainage improvement projects.

Capital Investment Policy 2019

This policy provides a means of appraising proposed investment into infrastructure and assets, as well as setting priorities within the context of the long-term Capital Works Program (CWP) to address strategic service delivery needs. The objectives of this Policy are to:

Ensure capital investment aids the achievement of the Council Plan, informs the development of a long-term financial plan (LTFP) and a CWP aligned to service needs;

Ensure capital investment delivers the greatest possible improved service outcomes while minimising the quantum of capital required, in accordance with the best value principles;

Ensure capital investment is undertaken in a financially sustainable manner and in accordance with Council's Asset Management Policy 2017-2021 and a lifecycle cost evaluation that identifies the asset's design, construction and maintenance costs and operating cash flow requirements and depreciation, over the course of the LTFP; and

Enable and ensure the effective planning and implementation of capital investment and capital works projects.

The intended outcomes of the policy are:

Enable a robust and impartial priority based system for allocating finite Council resources for investment in infrastructure and assets;

Ensure that investment is undertaken in a financially sustainable manner and in accordance with best practice asset management principles; and

Enhance transparency and public confidence in Council's decision making process surrounding investment of capital.

Discussion

Prior to the implementation of the Town Planning Act (circa 1970), Councils had no way of requiring developers to consider the social, environmental and cultural wellbeing of a community as part of proposed development. This meant there were a large number of residential areas throughout Victoria, which do not meet the most basic of requirements under the planning schemes of today.

Upgrade of the extensive length of unmade roads and insufficient drainage within urban areas across Bass Coast would cost in the order of \$144 to \$192 million in today's dollars. This is based on 96 kilometres of roads on the unsealed urban road and drainage improvement program priority list at \$1.5 to \$2 million per kilometre.

Urban Roads and Drainage Improvement Policy

Council has developed a priority list which prioritises all of the areas across Bass Coast that have unconstructed streets and inadequate drainage, with a view to upgrading these areas. The policy, which guides these projects, and their prioritisation, is Council's Urban Roads and Drainage Improvement Policy 2019. The funding mechanism for these types of upgrades shall be adopted through Council resolution. Funding sources may include: direct Council contribution; external grants, funding or contributions; a special rate or charge in accordance with Section 163 of the Local Government Act 1989; and / or a combination of the above.

The special charge provisions in Section 163 of the Local Government Act 1989 allows for costs to be equitably attributed to those property owners that receive a benefit from the works.

If a road and drainage improvement project was supported by the community and the area reprioritised by the Council, the overall cost of the project would most likely be split between Council and the property owners receiving the special benefit. It is likely that a large portion of the project cost (to be calculated at potential future planning phase) would be supported by a contribution from property owners within the project area.

Location and Potential Project Area

Jam Jerrup is located along the coastline to Westernport Bay on the north end of Bass Coast Shire Council. Refer to Fig 1 below.



Fig 1: Locality Plan

The area and property owners involved in the petition referred to are shown in the layout of Jam Jerrup below.

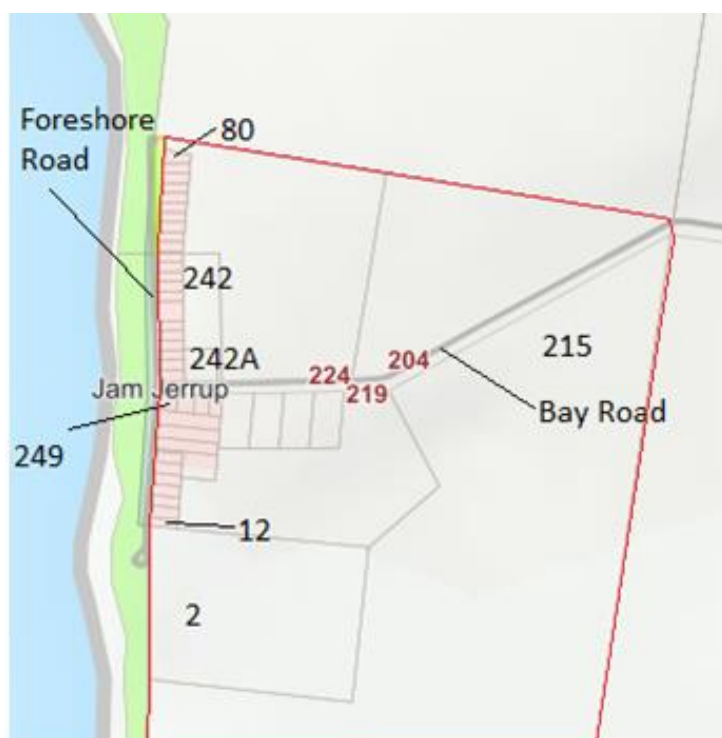


Fig 2: Jam Jerrup petition area

The Petition

The petition highlights that community members see a need for road upgrades in the area, with 81 per cent of the responding residents indicating that upgrading and sealing of Bay Road and Foreshore Road is necessary.

The petition is not clear that the property owners will be willing to financially support an upgrade project. This would need to be confirmed to consider project area reprioritisation.

Bay Road and Foreshore Road in Jam Jerrup are on the Urban Road and Drainage Improvement Evaluation List 2019 (AT-3). Jam Jerrup was listed as 20th priority. However, it will move up to 19th priority, now that Pioneer Bay has recently been completed.

The Urban Roads and Drainage Improvement Policy 2019 states “Council will consider reprioritising an urban road and drainage infrastructure improvement project for a specific designated project area only where the project is identified within the existing Evaluation List, but does not form part of the current Urban Upgrade Priority Program.”

The current Urban Upgrade Priority Program (AT-4) lists the top five priority areas as Pioneer Bay, Surf Beach / Sunderland Bay, Smiths Beach & Beachcomber Estate, Sunset Strip and Koala Estate.

The Urban Roads and Drainage Improvement Policy 2019 states “Council will consider including projects outside of the adopted Urban Upgrade Priority Program only if an approved percentage of property owners included within that project area actively support the project. The percentage of community support required for the project to be included in the Program, currently 70 per cent or more, can be set and altered by Council resolution only.”

Engagement

Engagement took place from 15 June 2022 to 10 August 2022 with 49 property owners from Jam Jerrup. The purpose of the engagement was to identify what and where the community believed the issues in Jam Jerrup are. Council also provided property owners with a questionnaire, to find out whether they would like these issues to be addressed by Council and would be willing to financially contribute towards an upgrade project.

The results of the engagement show that 46-47% of property owners see a need for a road and drainage upgrade and would be willing to financially contribute towards it. Council's Urban Road and Drainage Policy states that at least 70% of property owners need to actively support the project if it is to be included in the immediate upgrade program. The results of the engagement show that this level of support is not currently evident in Jam Jerrup.

42 of the 49 property owners made contact back to Council either via phone, email, letter or the online questionnaire / feedback map.

29 comments were received from 9 different property owners via the online map that was setup to identify and share problems in the estate. Traffic and dust were the main issues identified. The 'other' issues raised were related to concerns about the scheme and cost. Figure 1 and 2 show the results of the online map to identify problems in the estate.

CATEGORIES







-  Drainage Issue
-  Dust Issue
-  Traffic Issue
-  Pedestrian/Cyclist
-  Lighting Issue
-  Other issue



Figure 1: Pie chart of issues identified on the online map

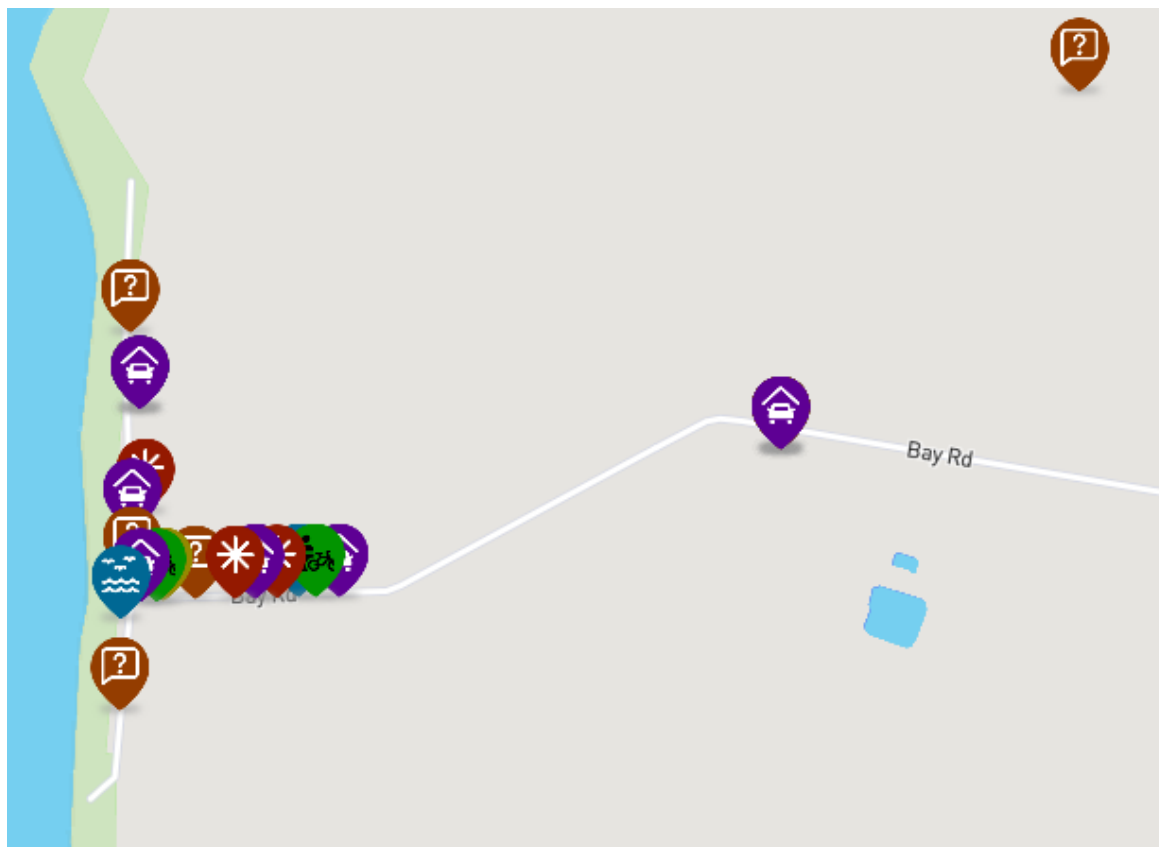


Figure 2: Online engagement map

From 49 property owners invited to respond there were 34 questionnaires received. 29 of 34 property owners responded that road and drainage improvement work in some forms were needed. Of those that responded, 23 (47%) property owners indicated that they would like the road and drainage upgrade to occur and would be willing to contribute towards the project. The questionnaire was also reviewed in terms of properties within the urban township where there were 39 of the 49 properties within this area. Within the urban township area, there was 18 (46%) property owners that indicated that they would like the road and drainage upgrade to occur and would be willing to contribute towards the project.

The below map shows the two areas where the results were analysed.



Map I: Area of 49 property owners that related to the initial community petition



Map 2: Area of 39 property owners that relates to the urban township area

There was 11 property owners in the questionnaire that were not willing to financially contribute to a road and drainage upgrade project. There was also another 7 property owners that expressed they were not supportive of a special charge scheme via phone, email or letter (not questionnaire). In total there was 18 of 49 (37%). In terms of the urban area there was 15 of 39 (38%) in total objections.

An outcome summary report was sent to property owners on 7 September 2022.

Sustainability Implications

Economics

There may be property owners that respond expressing they would likely require additional financial assistance due to financial hardship. This information can be collected through the questionnaire and later managed through Council's financial hardship program.

Social

There was evidence in the petition that the community is of the opinion that upgrades are needed in the area, with 81 per cent of the responding residents indicating that upgrading and sealing of Bay Road and Foreshore Road is necessary.

Environment

The majority of the stormwater flow from Jam Jerrup estate flows into Western Port Bay, which is a protected Ramsar site. There are also erosion issues on the foreshore reserve adjacent to Western Port Bay.

Installation of underground drainage and other potential water treatment options would align with the Western Port Ramsar Site Management Plan developed by DELWP and agency partners. Installing drainage and water treatment solutions will assist to remove rubbish, and reduce sediments, nutrients and toxicants that come from urban areas. The installation of an underground stormwater network would also assist by reducing the number of illegal connections of stormwater pipes into the underground sewerage system, thus reducing the risk of downstream overflows of the sewerage pumping station that would flow into the Westernport Bay.

Climate change

The influence of climate change can be modelled and analysed through the design stages of the project. This can be modelled by using a higher intensity storm event and higher sea levels through drainage calculations and may result in slightly larger pipe sizes, thus potentially increasing cost. Options of including design solutions, or not, to cater for climate change can be assessed at a later date when more information on the issue and outcomes are better known.

Finances

The initial consultation works was undertaken with minimal costs and incorporated into asset management budgets.

There is no Council allocated budget for this potential project as part of the 2021/22 or 2022/23 Capital Works Program should the project proceed to the planning phase.

If the project was to proceed to the planning phase, an indicative budget of \$120,000 would be required to undertake project development activities such as: community consultation for concept options; liaison with other key stakeholders; feature survey and service proving; geotechnical investigation; traffic counts and pavement design; and cost estimates. If the project proceeds to the planning phase a project budget could be considered for adoption as part of the 2023/24 budget process.

Stakeholders

Key stakeholders within this project include Jam Jerrup estate residents and property owners, other ratepayers of Bass Coast Shire, properties owners visitors and tourists, utility companies, emergency services and Melbourne Water.

A community engagement process was undertaken to collate and share the road and drainage concerns of property owners and a follow up questionnaire distributed to understand whether the community was supportive and willing to financially contribute to a potential improvement project or not.

Other Options

Proceed with the planning phase of the project

This option is not recommended as it does not align with the Urban Road and Drainage Improvement Policy provision that requires 70 per cent of property owners in the area to be willing to financially support the upgrade for an area to be reprioritised on the priority list of projects.

Conclusion

Council has developed a priority list and a program for the next five upgrade areas which was prioritised considering all of the areas across Bass Coast that have unconstructed streets and inadequate drainage, with a view to upgrading these areas. The policy, which guides these projects, and their prioritisation, is Council's Urban Roads and Drainage Improvement Policy 2019.

The Urban Roads and Drainage Improvement Policy 2019 allows for upgrade areas to be reprioritised if the project is on the priority list and has 70 per cent of property owners actively support for the project. The response from the Jam Jerrup area does not meet the criteria to be considered for reprioritisation by Council as there is not 70 per cent or greater support.

Recommendation

That Council:

1. **Retain the current priority program and evaluation list in the Urban Road and Drainage Policy 2019, to not include Jam Jerrup in the priority program**
2. **Investigate low cost interim treatment measures that can address dust and traffic safety issues along urban unsealed roads as part of a Council wide strategy.**
3. **Advise the head petitioning of the outcome of the initial community consultation and October Council meeting recommendations adopted.**

Attachments

AT-1	AT-1 Initial Engagement Summary Jam Jerrup	1 Page
AT-2	AT-2 Adopted Urban Roads and Drainage Improvement Policy	4 Pages
AT-3	AT-3 Adopted Urban Upgrade Evaluation List	3 Pages
AT-4	AT-4 Adopted Urban Upgrade Priority Program	1 Page

Council Decision

Moved: Cr. Bruce Kent / Seconded: Cr. Rochelle Halstead

That the recommendation be adopted.

CARRIED

**H.7 RFQ No.15 - Head Consultant / Architectural Design Services
Refurbishment Old Post Office Wonthaggi**

File No:	CM22/529
Division:	Place Making
Council Plan Strategic Objective:	Leading for our Community
	Demonstrating leadership through good governance, transparency and accountability

Declaration

The author has no direct or indirect interests in relation to this report.

Summary

This report to Council presents a recommendation to award the Request for Quotation (RFQ) No.15 appointing the Head Consultant / Architectural Design Services for Refurbishment of the Old Post Office, Wonthaggi.

The project forms part of the capital works program, adopted by Council at the June 2022 Council Meeting. This project will complete the design phase for the building renewal works required to bring the Old Post Office up to a fit for purpose state. It will complete planning to address issues to ensure the prevention of structural damage. This project will complete all design related works, with capital works to follow as part of the building renewal program in 2023/24.

An evaluation panel, consisting of three (3) Council officers was formed for the purpose of the RFQ evaluation.

The objective of the Panel was to assess the quotation submissions against the selection criteria and identify a preferred head consultant for the project.

The Panel concludes that the quotation submitted by Architecture Matters Pty Ltd will satisfy the requirements of the service and provide Council with best value for money. As the quotation submission price is higher than the allocated budget for this project, the panel is requesting Council's approval to manage the budget variation of \$52,500 (GST exclusive) within the current building renewal program. Budget surplus identified from current year building renewal projects is proposed to be utilised to manage the budget variation. It is proposed that Council approves use of surplus budget from I00392, Building Renewal Design and from I00532, Cowes Rotunda as additional funds is required for this project to proceed.

Savings are available from the Building Renewal Design project I00392 of \$32,500 as scoping has been refined since the budget was adopted. All designs for this project are for toilet blocks that will be completed as a package. The Cowes Rotunda project I00532 has savings of \$20,000 as the project is completed with all costs now accounted for.

The recommendation is for Council to accept the quotation submission and award RFQ No.15 to Architecture Matters Pty Ltd.

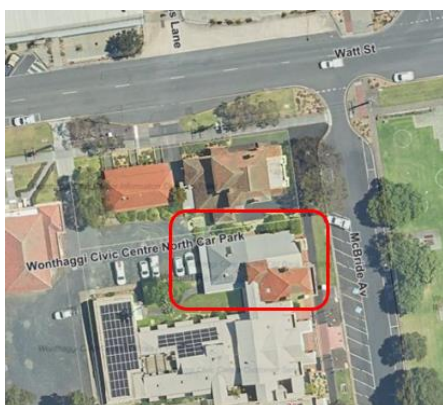
This Report contains an attachment which is declared to be confidential under Section 125 of the Local Government Act 2020 and in line with Council's Tender and Contract Confidentiality Policy.

Background and Context

As part of the 2022/23 Capital Works Program Council have funded the detailed design for the refurbishment of the Wonthaggi Post Office and Exchange (WPOE) building. The building was built in 1911 and operated as a Post Office until 1980. The library operated out of this site from 1993 until 2013 when it was relocated from the WPOE to a larger and more visible premises in town.



The building is of aesthetic significance as a public building designed by architect, AJ Frogerand. This is a listed building with a local significance (Heritage Overlay No. HO174/ Study No. 515)



Aerial photo and street view (above) - Corner of McBride Ave and Watt St Wonthaggi location of the old Wonthaggi Post Office and Exchange Building

This project aims to stabilise the building's existing structural defects and preserve long term performance and life span of the building. The project also includes building refurbishment to bring the building to a fit for purpose state by renewing the rooms on the ground floor.

The intent is to engage a Head Consultant to prepare all project documentation required for the refurbishment works. This will enable the engagement a commercial builder to undertake the construction works in following year. The Head Consultant's services are to include all site investigations, reports, and design documentation to enable the construction works to follow.

The building structural integrity is at risk based on external qualified engineering report. The issues are intended to be assessed with all required treatments specified as part of this project. Strategic Basis

Council Plan Strategic Objective:

Leading for our Community - *Demonstrating leadership through good governance, transparency and accountability*

Quotation Process

Nine (9) consultants were invited to submit a proposal for this RFQ in accordance with Council's Procurement Policy - Formal Quotation Process.

A site inspection was held on Tuesday, 19 July 2022 at 11am, with one (1) invited consultant attending.

The RFQ closed at 3:00pm on Wednesday 10 August 2022 with Council receiving two (2) conforming quotation submissions.

Evaluation Process

The conforming RFQ's were assessed on the following evaluation criteria and weightings:

Table 1 – Evaluation Selection Criteria	
Criterion	Weighting
Mandatory	
Insurance & Registration	Pass/Fail
Changes to Request	Pass/Fail
Workplace Health & Safety	Pass/Fail
Weighted	
Price	30%
Proposed Staff Resources and Current Commitments	25%
Previous Related Experience & Referees	30%
Program of Work, Documentation Example and Methodology	10%
Benefit to Bass Coast Shire Economy	5%

The evaluation panel consisted of Council Officers with an Officer from the Infrastructure Delivery – Contracts and Administration team chairing the process.

Each respondent passed the mandatory selection criteria, allowing panel members to score each criteria out of a maximum possible five points before meeting to discuss their independent scores and arrive at a consensus to finalise scoring for each criterion.

The Evaluation Panel assessed the technical worth of each quotation submission against the specification requirements and the selection criteria, identified issues for further review, clarified issues with tenderers and sought additional information.

The final weighted scores are set out in Table 2.

Table 2 – Final Weighting Scores				
No.	Name	* Price Score %	# Non-Price Score %	Total Score %
1	Architecture Matters Pty Ltd	20.68%	53.79%	74.47%
2	Respondent B	30.00%	41.15%	71.15%

* The higher the price score – lower the tendered price.

The higher the non-price score – represents better capability and capacity to undertake the service.

Although Respondent B's price was within budget, Architecture Matters Pty Ltd.'s submission was more comprehensive and showed a detailed understanding of the complex nature of working with heritage projects. The panel felt their extensive relevant experience including recent heritage work on the Footscray and Malvern Town Halls, sound methodology together with a good range of staff and sub consultants was sufficient, determining their submission presents the best value to Council.

The evaluation panel considered that, whilst only 2 (two) submissions were received, the price still represents value for money for the service. The prices were submitted in a competitive market. Going back to the market for this work would be unlikely to attract additional respondents and could risk the price rise and further delay to the project being 'shovel ready' to enable completion of the project in a timely manner.

Contract Management

Project Officer - Buildings and Open Space will act as Contract Superintendent for the contract. Any authorisation of variations will be in accordance with the Procurement Policy adopted by Council on 16 March 2022.

Contract Commencement: 28 September 2022

Anticipated Contract Completion: August 2023

Finances

This project is in the 2022/23 capital renewal works program.

The lump sum price for this project is \$122,616 (GST exclusive).

The Financial Summary Overview is set out in Table 3.

Table 3 – Financial Summary Overview	
Items	GST exclusive
Architecture Matters Pty Ltd - (lump sum)	\$122,616
Total Contract Sum	\$122,616
Internal Project Management Costs	\$12,261
Contingency Sum (10%)*	\$12,621
Total	\$147,500
Allocated Budget for the Project (PJ 100790)	\$95,000

Additional funds required for the project to proceed from Building Renewal Program projects (PJ 100392 and PJ 100532)	\$52,500
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* Normal practice for a capital project is to allow for a contingency sum of 10% of the contract value (GST exclusive). This contingency refers to unforeseeable costs, likely to be incurred during the contract, if required.

The budget available for the quotation is \$95,000 (GST exclusive), which includes project management fees and contingency.

Stakeholders

The stakeholders for this tender include:

- Bass Coast Shire Council
- Residents
- Ratepayers
- Community Groups
- Bass Coast Health
- Victoria Electoral Commission
- Australian Electoral Commission

Conclusion

The Summary of Quotation Report is attached.

The panel report concludes that the quotation submitted by Architecture Matters Pty Ltd will provide Council with best value for money for the following reasons:

- Are well resourced with a good list of subcontractors and range of staff.
- Have worked extensively with local government. They have excellent prior experience with heritage work including recent work at Footscray and Malvern Town Halls.
- Have provided detailed methodology and time frames with no exclusions.

Recommendation

That Council:

- 1. That Council approve the additional spend of \$52,500 (GST exclusive) in excess of project budget for the Head Consultant / Architectural Design Services for the Refurbishment of the Old Post Office, Wonthaggi, sourced from savings in the 2022/23 building renewal program**
- 2. Accept the RFQ from Architecture Matters Pty Ltd and award RFQ No.15 Head Consultant / Architectural Design Services Refurbishment of the Old Post Office, Wonthaggi for the contract sum of \$122,616.82 plus GST of \$12,261.68**

3. Authorise the Chief Executive Officer to execute RFQ.15 Head Consultant / Architectural Design Services Refurbishment of the Old Post Office, Wonthaggi between Council and Architecture Matters Pty Ltd.

Attachments

AT-1 **CONFIDENTIAL** - Summary of Quotations Over \$150k 2 Pages

AT-2 **CONFIDENTIAL** - RFQ15 Report Attachment Evaluation Scoresheet 1 Page

Council Decision

Moved: Cr. David Rooks / Seconded: Cr. Clare Le Serve

That the recommendation be adopted.

CARRIED

H.8 Cowes Community Garden Budget

File No: CM22/540
Division: Resilient Communities
Council Plan Strategic Objective: Healthy Community

An inclusive community that embraces its lifestyle and supports health and wellbeing

Declaration

The author has no direct or indirect interests in relation to this report.

Summary

The purpose of this report is to seek Council endorsement to increase the budget for the construction of the Community Garden at Blue Gum Reserve to accommodate an increase in delivery costs. The increase in budget is offset by the contribution (\$106,000) obtained through the Phillip Island Bass Coast RSL Trust Fund. As the shortfall in the original budget allocation exceeds 20%, a Council decision is required in accordance with Council's Procurement Policy.

Background

At the May 2022 Council meeting, Council resolved to contribute \$239,343 to the construction of a new Community Garden at Blue Gum Reserve in Cowes, replacing the garden from PICAL's Church Street site which is being removed due to the expansion of the hospital.

PICAL contributed \$38,764 to the project increasing the overall budget for the project to \$278,107. The budget for this project was based on cost estimates obtained for the construction of the garden and included a 10% contingency plus project management costs.

A separate Council report submitted to the May Council meeting recommended that Council ratify the Terms of Reference of the Bass Coast Phillip Island RSL Trust (The Trust) to allow the funds to be utilised for their intended purpose, which is to respond to homelessness and the prevention of suicide, and to nominate council representatives to the Trust.

The Trust then met on two separate occasions to discuss potential projects for the funding and it was determined that the construction of the new Community Garden in Cowes met the intended purpose of the trust fund.

Representatives from the RSL and Council have since signed a Memorandum of Understanding outlining that the \$106,000 sitting within the trust fund will be allocated to the Community Garden.

Strategic Basis**Council Plan Strategic Objective:**

Healthy Community - An inclusive community that embraces its lifestyle and supports health and wellbeing

Governing Documents

- Council Plan
- Healthy Communities Plan

Discussion

Since the May 2022 Council meeting, officers have worked closely with volunteers from the existing Community Garden to finalise the design and have obtained quotes for the construction of the garden.

Officers are aware of the importance of the existing Community Garden operated by PICAL, which provides produce for the food relief program that they operate. The garden offers an important social opportunity and allows the community to gather regularly, providing many social and mental health benefits.

The most recent cost analysis, based on quotes received over recent weeks, that the expected cost for the delivery of the Community Garden has increased to \$363,848.

This amount exceeds the original budget (\$278,000) by greater than 20% and therefore, under Council's Procurement Policy, Council approval is now required to allow the project to progress.

Officers have worked with the volunteers to identify opportunities to reduce costs prior to seeking this approval to increase the project budget. However, the majority of the increased costs are for the provision of essential services including water and power.

The \$106,000 allocated through the Phillip Island RSL Bass Coast Trust Fund to the project means that whilst the project budget has increased, no additional funds are required from Council's Resort and Recreation Reserve. If supported the overall project budget will increase to \$384,000, which will meet the shortfall in funding and allow the project to proceed.

Sustainability Implications

There are no sustainability implications associated with this report.

Finances

The table below outlines how the proposed increase in budget can be managed utilising existing approved funds as well as the recently received \$106,000 from the Phillip Island RSL Bass Coast Trust Fund.

Item	Value
Council contribution from the Phillip Island Resort & Recreation Reserve Fund (approved May 2022 Council Meeting)	\$239,343
PICAL Contribution	\$38,764
APPROVED BUDGET	\$278,107
Phillip Island RSL Bass Coast Trust Fund	\$106,000
TOTAL FUNDS	\$384,107

TOTAL PROJECT COSTS	\$363,848
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It is recommended that the total budget be increased to \$384,000.

Stakeholders

- Phillip Island RSL
- Community Groups on Phillip Island
- Broader Bass Coast community

Options

As recommended by this report, Council could approve the increase in budget for the Community Garden and Blue Gum Reserve ensuring an important service/asset is provided to the community.

Alternatively Council could resolve not to approve the increase in budget as recommended. This would result in the Community Garden not being delivered as the majority of costs are for essential services including water and power.

Conclusion

The Community Garden will play a pivotal role in the delivery of the PICAL food relief program and provide important social connection for the community of Phillip Island. Utilising the funding obtained through the Phillip Island RSL Bass Coast Trust Fund to increase the budget will enable Council to meet construction costs and deliver fit for purpose Community Garden.

Recommendation

That Council increase the budget allocation for the delivery of the Phillip Island Community Garden from \$278,000 to \$384,000, which will be offset by the \$106,000 obtained through the Phillip Island Bass Coast Trust Fund.

Attachments

There are no attachments for this report.

Council Decision

Moved: Cr. David Rooks / Seconded: Cr. Ron Bauer

That the recommendation be adopted.

CARRIED

H.9 Proposed Road Discontinuance - Back Lane Walker Street, Dalyston

File No:	CM22/550
Division:	Business Transformation
Council Plan Strategic Objective:	Leading for our Community
	Demonstrating leadership through good governance, transparency and accountability

Declaration

The author has no direct or indirect interests in relation to this report.

Summary

The purpose of this report is to determine if the road, Back Lane Walker Street Dalyston, is no longer reasonably required for public access and can be discontinued. If discontinued, the land from this road will be sold to a neighbouring landowner to form part of their property.

At Council's Ordinary Meeting 20 July 2022, Council resolved to commence the statutory procedures for road discontinuance.

Subsequently the proposal was advertised as required by the *Local Government Act 1989*. No submissions were received.

Council can now conclude the statutory process and make a decision regarding road discontinuance. It is recommended that Council approve the discontinuance of the Back Lane Walker Street, Dalyston.

Background

At Council's Ordinary meeting 20 July 2022, the following recommendation was adopted by Council:

That Council acting under Clause 3 of Schedule 10 of the *Local Government Act 1989* (the Act):

- 1. Resolves that the statutory procedures be commenced to discontinue the road Back Lane Walker Street, Dalyston as shown on the plans attached to this report and sell to abutting land owner/s for not less than a valuation received within six months prior to the sale.**
- 2. Directs that public notice of the proposed discontinuance be given under Sections 207A and 223 of the Act.**
- 3. Authorises the Chief Executive Officer or delegate to undertake the administrative procedures necessary to enable Council to carry out its functions under Section 223 of the Act.**
- 4. Resolves to hear and consider any submissions received pursuant to Section 223 of the Act at a future Council meeting.**

Notice of the *Proposed Road Discontinuance: Public Notice Inviting Submission Under Section 223* was placed in the South Gippsland Sentinel Times and on Council's website. The prescribed time frame (minimum of 28 days) was allowed for submissions.

No submissions or requests to be heard at a future Council meeting were received.

Strategic Basis

Council Plan Strategic Objective:

Leading for our Community - Demonstrating leadership through good governance, transparency and accountability

Governing Documents

Road Discontinuance and Sale Policy 2020

Road Discontinuance and Sale – Guidelines

Council Property Strategy 2016

Local Government Act 1989 (Road Discontinuance currently still sits within this Act)

Discussion

Back Lane Walker Street – as shown in the map below – is a Council road reserve that runs south from Mary Street through to Victoria Court. It is approximately 255sqm in area. There are five (5) properties adjacent to the road reserve, held by four (4) different owners. Council has adopted a recommendation to remove the road from Council's register of public roads, as it is not required for general public access.



One adjacent property owner, the owner of 7 Victoria Court, Dalyston proposes to purchase the full extent of Back Lane Walker Street road reserve. They were provided the *Road Discontinuance and Sale Policy 2020* and *Road Discontinuance and Sale Guidelines* and have advised their understanding of the process and intend to proceed.

Relevant departments within Council were consulted to determine whether the road reserve is required currently or in future for general public access. Responses determined that the road reserve is not required, provided a drainage and sewerage easement are allowed for.

Contact with all adjoining neighbouring property owners was initiated to determine their interest or concerns in regard to the proposed discontinuance and sale.

Of the three (3) remaining abutting owners (42 & 44 have the same owner), one was not interested in purchasing but had no concerns with the proposal. Two other owners showed initial interest, but decided against proceeding upon further discussion of costs.

As the only remaining interested party, the original proponent was referred to Council's appointed legal representatives to continue the process. Council's lawyer set out the statutory process, provided a cost plan and sought a deposit to ensure the commitment by the proponent to follow through on the proposal and to cover Council's costs.

A report was then brought to the July 2022 meeting of Council, following which a formal consultation was undertaken as per Section 223 of the *Local Government Act 1989* by:

- Publishing a notice in a local newspaper and on Council's website inviting submissions from interested persons;
- Providing an opportunity to hold a hearing for any submitters who wished to be heard in support of their submission; and
- Considering the submissions received.

Notice was placed in the South Gippsland Sentinel Times and on Council's website. The prescribed time frame (minimum of 28 days) was allowed for submissions. There were no submissions or requests to be heard received.

Sustainability Implications

Road discontinuance and sale of the land from the road allows Council to dispose of land that is surplus to Council and public needs. This can improve the amenity of the area through better use of the land and reduce the risk and maintenance burden to Council. Funds received by Council for the sale of the land can be allocated to current projects.

Finances

Council requires fair value for the land. There are also costs associated with road discontinuance and sale that a purchaser is required to pay.

Fair value for the land is determined by Council's valuer based on the value of land in the area and under the same planning zone. Council would not negotiate the price unless there is an exceptional circumstance.

Costs associated with road discontinuance and sale have been estimated by Council's lawyer and included in a cost plan. The purchaser is responsible for all costs.

Stakeholders

- Bass Coast Shire Council – as landowners
- Adjoining land owners – potential affected/interested parties
- Wider community – consultation as per Section 223 process

Other Options

Council could choose not to proceed with the discontinuance of the road. Council may be required to maintain the roads and manage any potential encroachments into the future.

Conclusion

It is recommended that Council discontinue the road Back Lane Walker Street, Dalyston.

Recommendation

That Council:

1. Pursuant to Sections 206, 207A, 223 and Schedule 10 Clause 3 of the *Local Government Act 1989 (Act)* and noting that no submissions were received in response to the public notice, resolves to discontinue the road **Back Lane Walker Street, Dalyston** as shown on the plans included in this report.
2. Is of the opinion that the roads are not reasonably required for public access.
3. Directs that notice pursuant to the provisions of Schedule 10 Clause 3 of the Act is published in the Government Gazette.
4. Directs that once discontinued, the land in the road as shown on the plans included in this report is sold to an adjoining land owner for not less than a valuation received within six months prior to the sale.
5. Authorises the Chief Executive Officer or delegate to undertake the administrative procedures necessary to complete the discontinuance and sale of land from the roads.

Attachments

AT-I Intramaps Aerial Back Lane Walker Street Dalyston | Page

Council Decision

Moved: Cr. Bruce Kent / Seconded: Cr. Rochelle Halstead

That the recommendation be adopted.

CARRIED

H.10 Review of Instrument of Delegation - Council to Staff

File No:	CM22/578
Division:	Business Transformation
Council Plan Strategic Objective:	Leading for our Community
	Demonstrating leadership through good governance, transparency and accountability

Declaration

The author has no direct or indirect interests in relation to this report.

Summary

The purpose of this report is to recommend that Council adopts the Instrument of Delegation from Council to staff and revoke the previously adopted Instrument of Delegation from Council to staff.

This report is presented to Council to ensure the delegations are updated to reflect changes and requirements to all the relevant Acts and Regulations.

Instruments of Delegation are appointed to positions, not people. A power, duty or function applied to any position through an Instrument of Delegation cannot be on-delegated, but does cover anybody who is 'acting' in a position.

Background

Council currently exercises its powers to delegate to positions.

Council subscribes to a suite of Instruments prepared by Maddocks Lawyers, which are then adapted and completed to meet the requirements of Bass Coast Shire Council.

Strategic Basis**Council Plan Strategic Objective:**

Leading for our Community - *Demonstrating leadership through good governance, transparency and accountability*

Governing Documents

The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.

- *Cemeteries and Crematoria Act 2003*
- *Domestic Animals Act 1994*
- *Food Act 1984*
- *Heritage Act 2017*
- *Local Government Act 1989*
- *Planning and Environment Act 1987*

- *Residential Tenancies Act 1997*
- *Road Management Act 2004*
- *Cemeteries and Crematoria Regulations 2015*
- *Planning and Environment Regulations 2015*
- *Planning and Environment (Fees) Regulations 2016*
- *Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020*
- *Residential Tenancies Regulations 2021*
- *Road Management (General) Regulations 2016*
- *Road Management (Works And Infrastructure) Regulations 2015*

Discussion

Delegation facilitates the achievement of good governance for the community by empowering positions to make decisions on behalf of Council.

The previous Instrument of Delegation from Council to Staff was adopted 20 April 2022 and updates from Maddocks have identified changes to the following Acts/Regulations:

There have been a number of minor changes to the *Cemeteries and Crematoria Act 2003*:

- Section 74 of the Act has been amended to insert subsection (3) and remove reference to provision commencing on 1 March 2022.
- Sections 83(2) and 110(1A) of the Act have been amended to remove reference to the provision commencing on 1 March 2022.
- Section 84(4) of the Act has been inserted by virtue of the *Cemeteries and Crematoria Amendment Act 2021*, which relates to the power to exercise the rights of a holder of a right of internment.

As an example, the following changes have been made to the *Planning and Environment Act 1987*:

- Section 41 of the Act has been amended to refer to the duty to make a copy of the Victorian Planning Provisions and other documents available in accordance with the public availability requirements.
- Amendment of a typographical error at s 14 of the Act.
- Sections 18, 21(2), 26(2) and 46V(3) of the Act have been amended to include a note as to the period the documents must be made available in accordance with the public availability requirements.
- Section 22(1) of the Act has been amended to clarify which submissions must be considered.
- Section 22(2) of the Act has been inserted in two parts, which relate to the power to consider late submissions and the separate duty to consider late submissions.

- Sections 46V(4), (5) and (6) of the Act have been included with respect to the Melbourne Airport Environs Strategy Plans. This will only be relevant to those councils whose municipal district is wholly or partly within the Melbourne Airport Environs Area.
- Section 96J of the Act has been amended to refer to the duty rather than as a power.
- Section 185B of the Act has been inserted, which relates to the duty to comply with a request from the Minister for information.

Position titles have also been updated accordingly.

Sustainability Implications

There are no sustainability implications associated with this report.

Finances

There are no financial implications associated with this report.

Stakeholders

Council – ensuring they can focus on high level strategic and Council planning.

Staff – ensuring the ability to undertake their roles.

Community – knowledge that appropriate delegations are in place to allow for the effective and efficient running of Council.

Conclusion

It is recommended that Council adopt the Instrument of Delegation from Council to staff for the powers, duties and functions under the relevant legislation as outlined in the attachment.

Recommendation

In the exercise of the powers conferred by the legislation referred to in the attached instrument of delegation, Bass Coast Shire Council (Council) Resolves that:

- 1. There be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached *Instrument of Delegation to members of Council staff*, the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument.**
- 2. The instrument comes into force immediately when the common seal of Council is affixed to the instrument.**
- 3. On the coming into force of the instrument, all previous delegations to members of Council staff (other than the Chief Executive Officer) are revoked.**
- 4. The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be**

executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.

Attachments

AT- I	Draft S6 Instrument of Delegation Council to Members of Council Staff	194 Pages
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Council Decision

Moved: Cr. Clare Le Serve / Seconded: Cr. David Rooks

That the recommendation be adopted.

CARRIED

Statutory Reports

Council Decision

Moved: Cr. Ron Bauer / Seconded: Cr. David Rooks

That agenda items I.1, I.2 and I.3 be considered as a block.

CARRIED

I Statutory Reports

I.1 Informal Meeting of Councillors Records

File No:	CM22/304
Division:	Business Transformation
Council Plan Strategic Objective:	Leading for our Community
	Demonstrating leadership through good governance, transparency and accountability

Summary

The *Bass Coast Shire Council Governance Rules 2020*, requires all Informal Meetings of Councillors records to be reported at the next practicable Council Meeting and to be recorded in the minutes of that meeting. The purpose of this report is to meet this requirement.

Introduction

Chapter 6 of the *Bass Coast Shire Council Governance Rules 2020* defines an Informal Meeting of Councillors as a meeting of Councillors that:

- I.1 is scheduled or planned for the purpose of discussing the business of *Council* or briefing Councillors and contains three or more Councillors;
- I.2 is a meeting of a *Council* Committee that a Councillor is appointed to;
- I.3 is attended by at least one member of Council staff; and
- I.4 is not a *Council meeting*, *Delegated Committee* meeting or *Community Asset Committee* meeting.

the Chief Executive Officer must ensure that a summary of the matters discussed at the meeting are:

- (a) tabled at the next convenient Council meeting; and
- (b) recorded in the minutes of that Council meeting.

Council Plan Strategic Objective:

Leading for our Community - *Demonstrating leadership through good governance, transparency and accountability*

Attached is a summary of the Informal Meeting of Councillors Records completed since the last Council Meeting.

Recommendation

That Council receive the attached Informal Meeting of Councillors records.

Attachments

AT-1	Councillor Briefings 24 August 2022 Informal Meeting of Councillors Record	2 Pages
AT-2	Councillor Briefings 7 September 2022 Informal Meeting of Councillors Record	2 Pages
AT-3	Audit and Risk Committee 7 September 2022 Informal Meeting of Councillors Record	1 Page
AT-4	Councillor Briefings 14 September 2022 Informal Meeting of Councillors Record	2 Pages

I.2 Planning & Building Statistics - August 2022

File No: CM22/530
Division: Place Making
Council Plan Strategic Objective: Sustainable Development

Prepare for growth while ensuring the intrinsic values and character of Bass Coast are retained.

Summary**PERMITS REFUSED:**

210157: Use and Development of land for a dwelling in FZ and SLO1 and removal of Native Vegetation under Clause 52.17 located at 72-84 Shetland Heights, Road, San Remo.

PERMITS ISSUED:**Island Ward**

- 210321: Buildings and works to an existing restricted retail premises in a CZ1 and DDO and reduction in car parking (Three spaces) located at 90 & 92 Thompson Avenue, Cowes.
- 210479: The construction of a replacement dwelling on land affected by the following planning overlay controls – Design and Development Overlay Schedule 1, Land Subject to Inundation Overlay and Vegetation Protection Overlay Schedule 2 located at 5 Silverleaves Avenue, Silverleaves.
- 210481: Development of the land for seven (7) dwellings located at 3 Lock Road, Rhyll.
- 220093: Use and development of a storage facility and a reduction in car parking located at 23 Shorland Way, Cowes.
- 220097: Two lot subdivision located at 4 Lawrence Avenue, Cowes.
- 220144: Buildings and works in a Commercial Zone (C1Z) and Design and Development Overlay (DDO11) and a reduction in car parking requirements located at 28-32 Thompson Avenue, Cowes.
- 220190: Buildings and works in a Commercial 1 Zone (C1Z) located at 157 Thompson Avenue, Cowes.
- 220199: Remove eight trees in a Vegetation Protection Overlay (VPO2) located at 216 Church Street, Cowes.
- 220226: Two lot subdivision in an Industrial 3 Zone (IN3Z) located at 14-16 The Concourse, Cowes.
- 220302: Removal of one tree in a Vegetation Protection Overlay (VPO2) located at 7-9 Steele Street, Cowes.

Western Port Ward

- 210175: Subdivision of land into 5 lots in TZ located at 24-32 Hade Avenue, Bass.

-
- 210329: Use and development of land for a dwelling in the FZ and SLO1 and construction of a domestic tennis court located at Lot 2 PS421958 Punch Bowl Road, San Remo.
- 210423: Increase in the Red Line Plan area associated with a Producers Liquor Licence for the existing winery use located at 17 Jade Road, The Gurdies.
- 210506: Development of land for 3 dwellings on a lot within a General Residential Zone (GRZ) located at 5 Monk Lane, Grantville.
- 210511: Development of land for a dwelling in the Design and Development Overlay Schedule (DDOI) located at 30 Nouvel Crescent, Corinella.
- 220078: Development of land for a dwelling above 7 metres in the Design and Development Overlay (DDOI) located at 26 Panorama Drive, San Remo.
- 220107: Use and development of land for three group accommodation units in the Farming Zone (FZ) and Significant Landscape Overlay, Schedule 3 (SLO3) located at 100 Churchill Road, Newhaven.
- 220159: Use and development of a dwelling in the Farming Zone and Bushfire Management Overlay located at 1811 Korumburra-Wonthaggi Road, Kongwak.
- 220178: Buildings and works in a Bushfire Management Overlay (BO) located at 38 Acacia Road, Grantville.
- 220207: Construction of an outbuilding associated with a dwelling in a Farming Zone (FZ1) located at 1845 Loch-Wonthaggi Road, Ryanston.
- 220230: Construction of a dwelling exceeding 7 metres in height in the Design and Development Overlay (DDOI) located at 22 Viking Avenue, San Remo.
- 220239: Construction of a replacement shed in the Rural Living Zone (RLZ) located at 170 McCraws Road, Wattle Bank.
- 220256: Construct an outbuilding (shed) in a Rural Living Zone (RLZ1) located at 235 McCraws Road, Wattle Bank.

Bunurong Ward

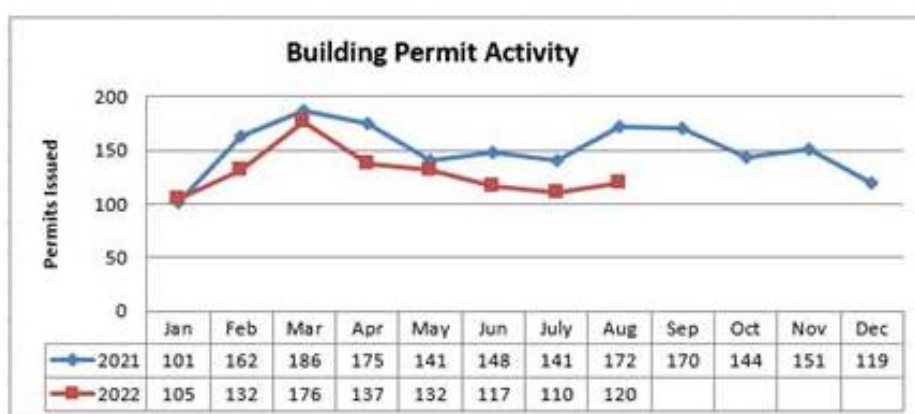
- 210392: Construction of a dwelling in a DDO9 and retrospective approval for the removal of vegetation in a VPO3 located at 121 Lohr Avenue, Inverloch.
- 210500: Development of land for two dwellings and two lot subdivision in the General Residential Zone (GRZ) located at 23 Dowling Street, Wonthaggi.
- 220008: Demolition (outbuilding), partial demolition (rear of dwelling), buildings and works to a dwelling and construction of an outbuilding in a Heritage Overlay (HO147) located at 26 Campbell Street, Wonthaggi.
- 220053: Use and development of land for a store (garage) in a Rural Living Zone (RLZ1), Environmental Significance Overlay (ESO1) and Significance Landscape Overlay (SLO5) and removal of vegetation located at 13 Townsend Bluff Road, Inverloch.
- 220109: Buildings and works in a Design and Development Overlay (DDO9) located at 15 Overlook Drive, Inverloch.
- 220120: Development of land for a dwelling in the Design and Development Overlay, Schedule 9 (DDO9) located at 82 Ripple Drive, Inverloch.

- 220139: Two lot subdivision located at 4 Turner Street, North Wonthaggi.
- 220152: Use and development of a second dwelling and two lot subdivision in the LDRZ located at 143A Reed Crescent, Wonthaggi.
- 220167: Development of land for a dwelling in a Land Subject to Inundation Overlay (LSIO) located at 11 Lohr Avenue, Inverloch.
- 220180: Two lot subdivision located at 25 Campbell Street, Wonthaggi.
- 220201: Development of land for a replacement dwelling and removal of vegetation in the Development Plan Overlay Schedule 9 (DPO9), Land Subject to Inundation Overlay (LSIO) and Vegetation Protection Overlay Schedule 3 (VPO3) located at 28 Lohr Avenue, Inverloch.
- 220213: Two lot subdivision located at 43 Broome Crescent, Wonthaggi.
- 220218: Two lot subdivision located at 94 Broome Crescent, Wonthaggi.
- 220252: Construction of an outbuilding (shed) associated with a dwelling in an Environmental Significance Overlay (ESO1) located at 36 Coastal Way, Inverloch.
- 220263: Construction of an outbuilding (shed) in a Significant Landscape Overlay (SLO4) and Environmental Significance Overlay (ESO1) located at 55-57 Viminaria Road, Harmers Haven.
- 220269: Demolish an outbuilding (carport) and construction of an outbuilding (shed) in a Heritage Overlay (HO199) located at 117 Broome Crescent, Wonthaggi.
- 220280: Construction of a shed in a Farming Zone (FZ) located at 63 Shandley Street, Wonthaggi.

PLANNING AND BUILDING ACTIVITY REPORT FOR AUGUST 2022

Statutory Planning	This month (August)	Last month	Year to date (financial year)
% of applications determined within statutory timeframe	76.9	84.6	79.5
Average Gross Days (Responsible Authority determination)	147	107	132
(new) Average Gross Days to final outcome	140	122	132
Average Statutory Days (Responsible Authority)	40.4	32.5	
Number of live applications	190	227	-
Number of applications received for the month	46	46	92
Number of Responsible Authority outcomes	59	41	100
Municipal Building Services & Enforcement	This month (August)	Last month	Year to date (financial year)

Essential Safety Measure inspections	0	0	0
Report and Consent applications	40	28	68
POPE and Siting consents issued for temporary structures	0	0	0
Complaints received requiring investigation	24	4	28
New building enforcement cases	3	3	6
Number of open building enforcement cases	37	34	n/a
Building permits issued by Council	0	0	0



Planning Enforcement	This month (August)	Last month	Year to date (financial year)
New Reports received for assessment	4	7	11
Reports assessed and closed – no PE	2	1	3
New complaint/case files opened	6	7	13
Complaints/case files closed	9	17	26
Current open complaints/case files	38	37	-

STATUTORY PLANNING DEFINITION:

Statutory days: In accordance with the *Planning and Environment Act 1987*, a Council is permitted 60 statutory days to determine a planning application. The 60 statutory days includes weekends, public holidays and commences when the application is lodged. The legislation allows for the 60-day statutory clock to be stopped (e.g., when further information is requested) and re-started in certain circumstances (when further information or amended plans are received).

Gross days: The total number of days to determine a planning application inclusive of weekends and public holidays.

Recommendation

That Council:

- 1. Receives and notes the Planning Permits issued under delegation report for August 2022; and**
- 2. Receives and notes the Planning and Building Activity Report for August 2022.**

Attachments

There are no attachments for this report.

I.3 Contracts Award Report

File No:	CM22/546
Division:	Business Transformation
Council Plan Strategic Objective:	Leading for our Community
	Demonstrating leadership through good governance, transparency and accountability

Declaration

The author has no direct or indirect interests in relation to this report.

SummaryContracts Awarded

For the period from 1 August 2022 to 31 August 2022, the following contracts have been awarded under the Chief Executive Officer's Instrument of Delegation.

Contract No.	Description	Contractor	Contract Sum Incl gst
22011	Design and Construction of Lighting Towers Oval 2 Wonthaggi Recreation Reserve	RJC Electrical Solutions Pty Ltd	\$280,500.00

Contracts Extended

For the period from 1 August 2022 to 31 August 2022, no contracts were extended under delegated authority in line with Council's Procurement Policy 2021.

Recommendation

That Council notes the above contracts were awarded in accordance with the Delegated Procurement Authority during August 2022

Attachments

There are no attachments for this report.

Council Decision

Moved: Cr. Ron Bauer / Seconded: Cr. Bruce Kent

That the recommendations attached to agenda items I.1, I.2 and I.3 be adopted.

CARRIED

J Urgent Business

There was no Urgent Business

Mayoral Announcement Of Next Meeting Of Council

The next **Council Meeting** will be held on 16 November 2022 in the Bass Coast Civic Centre Council Chamber, Baillieu Street East, Wonthaggi commencing at 1.00pm

I also intend to call a Council Meeting to be held virtually on Wednesday 26 October commencing at 9.15am for the purpose of considering the 2021/22 Annual Report.

The finalisation of Council's Annual Report has been impacted due to delays in the Victorian Auditor-General's Office.

Confirmation of the additional Council meeting will be posted on Council's website and social media once receipt of VAGO certification has been received.

Meeting closed

The meeting closed at 1.51pm